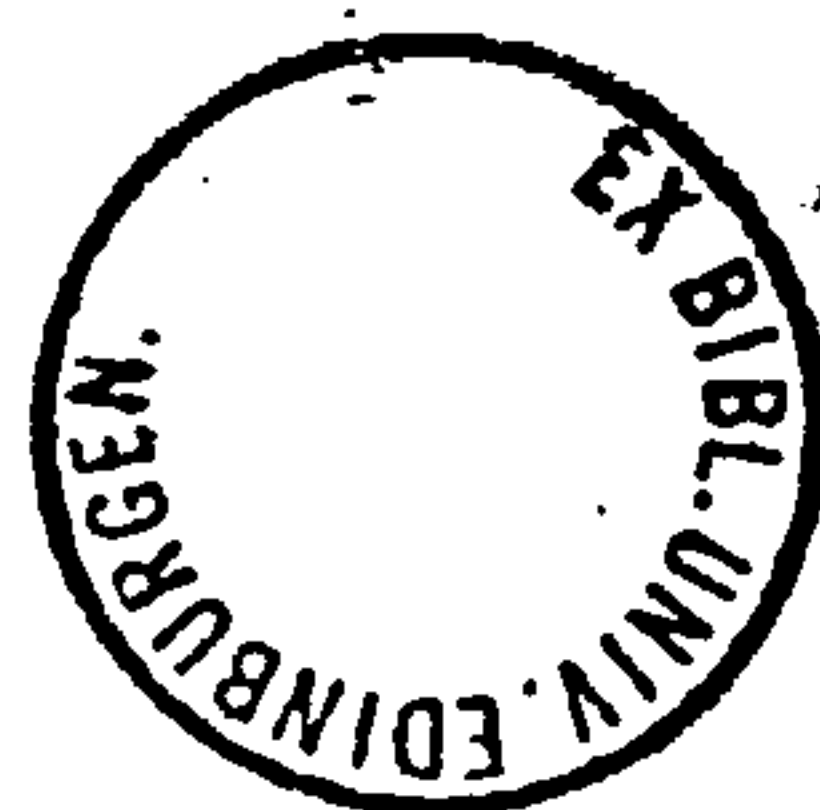


THE ECONOMIC RATIONALITY OF VIOLENCE:
A SOCIO-LEGAL ANALYSIS OF ORGANISED VIOLENCE
IN AZTEC AND CONQUEST MEXICO

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Declaration

This thesis is my own work and no part of it has been submitted for a degree at this, or any other University.

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This thesis is dedicated to my parents and to Daniel Johns.

Abstract

In this thesis, the ways in which organised violence functioned as an economic power in two historical periods - Aztec and Conquest Mexico - are discussed. The fundamental socio-economic characteristics of the Aztec and Conquest social formations are outlined in materialist terms. This is followed by a discussion of the ways in which particular forms of organised violence functioned both to maintain a dominant class in a position of power in relation to subordinate classes, and to enforce a particular set of economic relations within the social formation which benefited this dominant class.

The interconnections between specific forms of organised violence in Aztec and Conquest Mexico and the economic context in which they occurred are, therefore, illustrated. Through this approach, a sense or underlying coherence is brought to the discussion of organised violence in these two historical periods. Organised violence is discussed as part of the mechanics of a social formation, not as events separated from a social context.

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...the economy always had the upper hand while violence served and advanced its cause, removing obstacles from its path. Lukács, History and Class Consciousness, 1968.

CHAPTER I

INTRODUCTION

The goal of modern social science has been to leave behind its humanistic infancy and turn to the maturity of hard science. Indeed it has been the dream of modern Western man to:

...be freed from his passions, his unconscious, his history, and his traditions through the liberating use of reason...(Rabinow and Sullivan, 1979:1).

Such a desire has led to the structuring of a way of understanding man and his social world through a social science which struggles to go beyond value judgements and individual insight. The assumption is that there exist verifiable, provable truths in the sciences of man which can be established with the same sort of certainty as physical properties if only one studies them in a scientific way. The social sciences, however, have not been able to establish agreed-upon paradigms with which to operate as have the natural sciences; not been able to establish paradigms which silence opposing viewpoints with what Rabinow and Sullivan (1979:2) call Newtonian authority. And increasingly, the idea has come to be developed that efforts to do so are largely futile.

The break through into the paradigm stage even for natural science itself is largely illusory since the great paradigms such as Newtonian physics are after a time replaced by other paradigms such as relativity theory and quantum mechanics. The failure of the human

sciences to achieve paradigm takeoff can be seen not merely as the result of methodological immaturity, but as a reflection of something fundamental about the human world (Rabinow and Sullivan, 1979:3-4).

This fundamental something is that in the sciences of man there is no outside objective position from which to study phenomena. The social scientist is as much a part of the social world as the object of his studies and he cannot divorce himself from his own experience and study human social phenomena as if it had fixed meaning in a context free experimental environment. But the growing empiricism of the social sciences is a reflection of a desire to do just this - a desire to go beyond human subjectivity. The limitations of such an empiricist social science are the result of the attempt to structure social enquiry so that it at least gives the impression of hard science.

If, however, one accepts the proposition that the social world cannot be studied in the same manner as the physical world, the proposition of non-objectivity, what remains to be established is an acceptable alternate approach from which to study the social realm. If there are no verifiable truths to be discovered or context free laws to be established, what then are we about in studying the sciences of man? Charles Taylor, in a chapter entitled "Interpretation and the Sciences of Man " explores what he calls an interpretive approach to the sciences of man. Interpretation, he maintains:

...is the attempt to make clear, to make sense of an object of study. This object....in some ways is confused, incomplete, cloudy, seemingly contradictory - in one way or another unclear. The interpretation aims to bring to light an underlying coherence or sense...(Taylor, 1979: 25).

The goal of study, therefore, if one adopts such an interpretive approach is not the uncovering of immutable laws, or the presenting of the "facts" of social history as if they exist in a vacuum, but the offering of interpretations which will make sense of certain objects of study. But this approach in itself entails a number of difficult problems. The offering of an interpretation involves appealing to certain understandings of readings. But how is one to know that such an offered interpretation is correct? Taylor comments:

What if someone does not see the adequacy of our interpretation, does not accept our reading? We try to show him how it makes sense of the original non- or partial sense....We have to show him through the reading of other expressions why this expression must be read in the way we propose....What we are trying to establish is a certain reading of text or expressions, and what we appeal to as our grounds for this reading can only be other readings (Taylor, 1979: 27-28).

If an interlocutor fails to share our readings and interpretation of those readings we appeal to still further readings in an attempt to convince him that our interpretation is coherent. But this sets up a hermeneutical circle, a continuing appeal further and further back into still other readings. How does one break through this circle of reference and interpretation? As Taylor points out, one empiricist answer to this question has involved an attempt to break out of the circle entirely. It is an attempt to go beyond subjectivity.

The attempt is to reconstruct knowledge in such a way that there is no need to make final appeal to readings or judgements which cannot be checked further...the basic building block of knowledge in this view is...a unit of information which is not the deliverance of a judgement, which has by definition no element in it of reading or interpretation, which is brute datum (Taylor, 1979:29).

Verification, therefore, depends on the acquisition of brute data, and ideally, knowledge is based on the analysis of this brute data which cannot be "undermined by further reasoning" (Taylor, 1979: 30). But within the sciences of man the treatment of facts of social history as brute data is to assume for them an objectivity that they do not contain. Fundamental theoretical conceptions shape the way in which the "facts" that make up social history themselves are created and later interpreted. As Hindess and Hirst (1975:2-3) note: "Facts are never given - they are always produced." Fundamental theoretical conceptions are imbedded within any writing of social history. And to assume otherwise, to refuse to specify, to make apparent, and therefore subject to question these conceptions, is clearly inadequate.

One must, therefore, go beyond this empiricist orientation. One must accept the fact that there are no verifiable truths outside of interpretation, only levels of interpretation with their own forms of evidence and fields of meaning in which given situations find their place. By accepting such an approach we leave ourselves in a domain in which our definitions can always be challenged by those with differing readings (Taylor, 1979:53-54). But, as Taylor notes:

There is no verification procedure we can fall back on. We can only continue to offer interpretations...(Taylor, 1979:66).

Consistent with this approach, what is offered in this thesis is an interpretation, or way of looking at, a specific social practice, organised violence, in two particular social formations at two concrete historical conjunctures. The organised violence of the Aztec empire has been documented and decried since the sixteenth century when the Spanish began using examples of that violence to

justify their own violent domination of the MesoAmerican Indian population. Similarly, the violence of the Spanish Conquest and the first years of Spanish colonial occupation of Mexico has been widely documented. The object of this thesis is not to present new evidence of the violence that occurred during these two periods - this has been done adequately by others. Nor is the object to yet again condemn such violence. The object is, as Taylor has noted, to "make sense" of this violence, "to bring to light an underlying coherence" to the discussion of this violence. This underlying coherence is brought to light by discussing the organised violence that took place during these two historical periods in materialist terms.

There are those who would disagree with a Marxist approach to state power, those who would, for example, deny that in many cases state power is achieved and maintained through violence and terror. Max Weber is a classic example. Weber maintained that continued exercise of every domination entails some successful claim to legitimacy. Weber does not, however, specify in what ways this is always a matter of degree. Different types of social organisation apply varying degrees of normative and coercive control, but Weber does not provide a classification of the different mixes of carrot and stick - moral persuasion and coercion. If he had done so, systems could be seen as trying to establish what Weber would call legitimate authority - some succeeding more than others and some falling back onto rougher measures when necessary. It is surprising that Weber did not more fully deal with types of domination relying heavily on coercion given the importance he attached to the violent nature of state power.

Weber in fact argued that the state is defined by its monopoly of legitimate violence. In "Politics as a Vocation" Weber (1982:78)

wrote:

...force is certainly not the normal or the only means of the state...but force is a means specific to the state.

If no social institution existed which knew the use of violence, then the concept of 'state' would be eliminated.

In Weber's typology, however, there is no such category as non-legitimated domination or domination which primarily relies on violence even though he clearly recognised it as an empirical possibility. Weber (1982:77-78), for example notes:

Sociologically, the state cannot be defined in terms of its ends...Ultimately, one can define the modern state sociologically only in terms of the specific means peculiar to it, as to every political association, namely the use of physical force.

Weber, then, was insistent on characterising the state as an instrument of violence. The state itself, according to Weber, was defined by its use of physical force. But Weber implies that no meaningful distinctions can be made between different kinds of states based on the type and nature of the violence they employ since all states employ roughly the same means of physical violence (See Parkin, 1982: 73-78). Weber does not address the question of whether different forms of state vary systematically in the degree and type of violence they use or the distinctive purposes of this violence with regard to the organisation of the economy. Nor does Weber discuss the issue so important to Marxist theory of whether the state is selective in its use of force, coming down more heavily on some sections than others.

Much of Weber's writing (for example about power, legitimation and bureaucracy) is useful to a consideration of forms of state violence and is not to any significant extent, contradictory to historical materialism. However, historical materialism goes further than

Weber in providing an overall theoretical framework within which to discuss forms of state violence in relation to the economic structure of social formations where, as in the present case, the state relies to a great extent on coercion to maintain itself.

The work of Weber is frequently drawn upon by those wishing to make a distinction between the aims and procedures of the natural sciences and the aims and procedures of the social sciences. Taylor's interpretive approach borrows directly from the Weberian discourse on the methodology appropriate to the social sciences. Weber recognised and stressed the fundamentally subjective basis of all human activity but did not preclude the possibility of sociological interpretation which was based on logical reasoning, was replicable, or verifiable at the level of logical reasoning (See Giddens, 1971:146-147). As Giddens (1971:141) notes in discussing Weber's approach:

The fact that the selection and identification of the concerns of social science is necessarily 'subjective'...does not, then, imply that objectively valid causal analysis cannot be made.

Social action, from a Weberian perspective, is explicable in the light of the subjective meanings of actors. The social scientist attempts to understand social action by putting himself in the place of the actor, by attempting to understand the actor's motives and the way in which he saw the circumstances facing him. Weber maintained that this method of analysis could be applied to historical events even after all the participants were dead. The social scientist attempts to establish an "understandable sequence of motivation" which will explain social action through a process of reconstructing the set of choices and constraints facing individuals at the time (Weber, 1968:5-13).

But as Giddens (1971:133-140) points out, when the social scientist starts reconstructing the array of choices and constraints facing actors, starts trying to assess how options and constraints were weighed up and assessed, the judgements of the social scientist about the importance of certain factors necessarily comes into play. Weber himself considered certain factors (for example, economic and ideological factors) more important than others in the assessment of the array of choices and constraints facing individuals.

Weber's belief that economic and ideological factors were important in understanding social phenomenon led him into subject areas which are of fundamental concern to Marxism. Weber, for example, delineated two sets of circumstances or preconditions necessary for the emergence of rational capitalism - a particular rational 'spirit' and a particular material 'substance.' Both, he maintained were necessary to the rise of rational capitalism, even though he accords to these normative and institutional prerequisites a relative independence that many Marxists would not go along with. Similarly, Marxists have generally considered values and beliefs as growing out of material or class interests while Weber often sought in his work to show that the path of causality often worked in the reverse direction. But even Weber (in his political writings for example) generally discounted the notion that ideology could make much of an imprint on the hard realities of material existence (See Parkin, 1982:40). Weber's reputation as an anti-materialist comes largely from his writings on early Protestantism in which he reacted strongly against what he called the one sided determinism of the brand of Marxism prevalent in his day. Much of Weber's work, however, such as his discussions of the complex role of ideology and its relation to other levels of

the social formation do not greatly differ from contemporary Marxist writings on the same subject.

Also of interest to Marxist analysis, Weber devoted much of his attention to a consideration of power and the ways in which groups maintain and legitimate power. Weber argued that all people in authority attempt to construct myths or rewrite history in a way which will justify their superiority and their legitimate right to rule (Weber, 1968:212). Various types of legitimations are offered by those higher up in the social hierarchy, those in authority, but the acceptance of these legitimations comes from those below. In other words, legitimations come from above, but legitimacy is conferred from below. Weber defined two opposing types of domination in social organisation. One type of domination arises from a monopolistic control of economic resources in the marketplace; the other type of domination rests on the authority of office. Weber was almost exclusively concerned with the latter - domination resting on the authority of office.

Weber (1982:78-79) defined three types of domination or claims to legitimacy - traditional, charismatic, and legal rational - which he referred to as "legitimations of domination." Traditional domination, according to Weber, rested on well established "recognition and habitual orientation to conform." Traditional domination is exercised and has its focus in a patriarch or patrimonial prince. Subordinates base their granting of authority primarily on tradition. The second type of domination - charismatic - is based not on habituation or tradition, but on personal devotion to a leader and recognition of his personal "gift of grace." The third type of domination - rational legal - is based on a belief in the correctness of legal

statutes which are based on "rationally created rules."

Weber made it clear in his discussion of these different types of domination that a positive commitment on the part of the subordinate to authority is crucial. Many legitimations can be offered, but legitimation only occurs when subordinates to some extent accept the legitimations. For Weber therefore, domination is another way of speaking of legitimate authority, another way of speaking of the acceptance of domination as a 'valid norm.' "The merely external fact of the order being obeyed is not sufficient" Weber argued "to signify domination in our sense, we cannot overlook the meaning of the fact that the command is accepted as a 'valid norm!'" (Weber, 1968:946).

Thus for Weber, normative endorsement is crucial. To obey from a mere sense of fear will not suffice. The types of domination on which Weber concentrates, therefore, reveal little about structures of authority based primarily on coercive mechanisms. In many authority systems, such as the two under discussion in this thesis, the balance between physical coercion and normative control is tipped toward the former and in this context the applicability of Weber's schema is reduced drastically.

Weber does not deal extensively with the role of coercion in bringing about compliance and legitimacy. Compliance can be spontaneous, but it also can be brought about as a consequence of powerlessness. It can also be brought about by the hegemony of ideas of a dominant group of people. Even though Weber notes that compliance can occur for reasons other than genuine acceptance of the moral rightness of commands (Weber, 1968:214), he does not expand to any degree on this notion or develop a typology of authority systems based primarily on coercion. Weber specifies three types of compliance -

empathy, inspiration and susceptibility to rational argument (Weber, 1968:946) which correspond to his three types of legitimate domination. He also notes that it is possible for legitimacy to be withdrawn. He does not, however, specify which type of domination would prevail when coercion is the primary mechanism of control in a social system or when legitimacy is withdrawn. Weber instead restricts himself to a very narrow range of legitimated authority (See Weber, 1968:953). Weber devotes little attention to those types of domination that subjectively would be considered illegitimate and I would strongly agree with Parkin's comment that:

The upshot of all this is that structures of authority which rely more upon coercion than upon willing compliance are excluded from Weber's typology of domination (Parkin, 1982: 75).

For Weber then, the three types of domination he deals with at length differ only in the particular and limited historical contexts within which they apply and the kinds of claims put out by those in command concerning the legitimacy of their own rule. In doing so, he closes off an important concern of Marxist analysis by making very little distinction between normative compliance which involves voluntary commitment and compliance which is grounded in immediate considerations of survival, or elaborating on forms of domination where the balance is tipped toward outright coercion. The relationship between coercion and compliance are therefore not fully explored by Weber's approach.

Societal violence has also been discussed extensively in the literature of social psychology. Very little of this research, however, deals explicitly with the focus of interest in this thesis, i.e., violence organised by and condoned by the state. The phenomenon

of state violence or institutional violence is not often seen as a problem within social psychological research. The several alternative general explanatory frameworks for aggression or violence (for example the biological explanations of Lorenz, 1966, or Ardrey, 1966) or Freudian explanations involving a destructive or death-seeking force proposed to be present in all humans (Freud, 1950), or the physiological explanations seeking to find centres of aggression within the neural structure of the brain (See for example Moyer, 1971; Sheard and Flynn, 1967; Delgado, 1960) may be instructive in terms of advancing explanations for the existence of violent behaviour. They, however, reveal very little about forms of violence, why particular forms of violence occur in particular times or what social factors are related to the appearance of violent behaviour. The existence of violence is to be explained in these approaches in terms of something inherent in the individual.

Within the learning theories of aggression such as those postulating a behaviourist position of aggression as learned through rewards and punishments (See for example Buss, 1961; Buss, 1971; Sears, McCoby and Levin, 1957) or modelling behaviour (Bandura, 1973) again provide explanations for the ways in which aggression may be learned, but say little about why particular aggressions are learned at a particular time or why role models demonstrating particular aggressions are prevalent at any one historical conjuncture and not at others. Of the learning theories, the frustration/aggression model has stimulated more empirical research than any other theory of aggression. According to this theory, the presence of some disturbing or frustrating element is postulated to cause a tension that is then discharged through some form of aggressive behaviour. The expression of aggression

reduces the aggressor's internal state of anger and his general level of physiological tension. Aggressive behaviour is assumed to be preceded by the existence of some form of frustration, and the existence of frustration always leads to some form of aggression - even if that aggression is repressed or deflected (See for example Dollard, et. al., 1939; Berkowitz, 1962; Miller, 1941).

Obviously within this model much depends on the operational definition of "frustration" and "aggression" and the major application has been with the study of individual hostility through an analysis of instigating and inhibitory variables. There have been attempts to extend the applicability of the frustration/aggression model to social action (See for example Hovland and Sears, 1939). But as Feierabend and Feierabend (1966) pointed out, there are difficult methodological problems involved in measuring frustration, aggression and inhibitory forces when dealing with a nation as the unit of study.

Not only are there problems in defining the variables, but the chain of plausibilities connecting a defined frustrating societal situation, the experiencing of that situation as frustrating by a group of people, and consequent aggressive behaviour, is very long indeed. And this chain of plausibilities is as yet undocumented (See Seeman, 1981:387 who comments on this point at length).

One area of research which looks at first examination promising since it deals specifically with group behaviour is that section of the literature known as "collective behaviour." But in fact, the term collective behaviour refers to extra-institutional social forms. Turner and Killian (1972:5) make a clear distinction between what they call collective behaviour which is characterised by a lack of objectives defined in advance and no defined procedures for

selecting or identifying members or leaders, and organisational or or institutional behaviour which is governed by established rules of procedure and have the force of tradition behind them. Since collective behaviour research deals with the former and not the latter, the bulk of the research is in topical areas such as the study of panic reactions, riotuous or ecstatic behaviour of crowds or mobs, contagion of sentiment within crowds, and/or recruitment into, strategy within, or participation in social movements (See Turner and Killian, 1972; Smelser, 1963; Kelley, et. al., 1965; Mintz, 1951; Toch, 1965; Shimbori, 1969; Jackson, et. al., 1960; Backman, 1952; Blumer, 1939; Wheller, 1966).

Obviously spontaneous crowd behaviour - be it panic stricken, riotuous or ecstatic - is very different from planned and coordinated violence organised and institutionalised by a state. Similarly, participation in a voluntary social movement is very different from participation in a series of state-coordinated activities where there are laws specifying participation and punishments for non-compliance. Again, as with Weber, the focus of interest is not on forms of organised group action which involve the explicit and implicit coercion of the state. An additional problem with the social movement research is that it tells us a good deal about how collective behaviour can be effectively organised and what elements help to sustain participation and recruitment, but very little about why particular movements spring up at any point in time.

An area of research which does take as one of its foci group behaviour which characterises nations is that research on the Fascist regime in Nazi Germany. Erich Fromm (1969) maintains that the alienation and anomie which characterises modern society leads people to

attempt to escape in one way or another from a kind of normless freedom which is intolerable. One of the ways in which people escape is through aligning themselves with a group or social movement like Nazism which simplifies choices, provides them with a well defined place within an organised structure, and a world view which makes some sense of existence. This escape represents a search for security within the group which is more satisfactory than the sense of isolation characteristic of individual existence.

Much of Fromm's analysis, however, relies on a proposed alienation which is thought to exist in the modern world. Fromm has very little to say about this escape into mass movements in the ancient or the medieval worlds where alienation and normlessness were supposedly much less of a factor. Additionally, Fromm has little to say about the function of those groups aside from fulfilling the psychological needs of the individuals involved with them. Nor does he discuss the actions of these groups, the way they use particular forms of violent behaviour and to what end.

Similarly, Adorno postulates the existence of an "authoritarian personality" which makes certain individuals more susceptible to movements such as Nazism which provide clear cut hierarchies, rigid rules, and positively evaluate power and strength. Adorno maintains that movements such as Nazism were successful because of the existence of "deep-lying personality trends" of authoritarianism within large segments of the population. But the body of supportive research which has followed Adorno's publication of The Authoritarian Personality has been largely unpersuasive. As Seeman (1981:387) notes:

...the F-scale, taken as an index of "deep-lying personality trends", included so many things: pieces of direct prejudice (that is, anti-minority

statements), and pieces of various theories of prejudice (including not only projection and frustration-aggression, but also a conventionality factor that overlapped with social norm theory). It is not so much, therefore, that authoritarian items (concerning trust, rigidity, obedience, and so forth) do not correlate with prejudice, but rather that the meaning, coherence, consistency, and stability of these correlations were called into question.

The difficulties mentioned do not add up to the view that personality is irrelevant to an analysis of societal violence. One can hardly dismiss the evidence regarding mechanisms such as frustration/aggression. But these mechanisms all have situational determinants which are often within social psychology regarded as merely secondary if at all. While few social psychologists would want to separate personality from its situational determinants, in all these social psychological theoretical approaches situational determinants become merely an active ingredient within the personality domain.

The various theoretical alternatives carry different explanatory power in relation to particular problems. At least one researcher, for example, has maintained that the explanation for Aztec human sacrifice lies within an analysis of the "Aztec personality". The constructing of the outlines of an Aztec personality is one research task which perhaps is instructive, but for the sociologist the constructing of the particular situational determinants which played the crucial role in developing that Aztec personality (if indeed there can be said to be such a thing, which has yet to be shown) is the most important task. The sociologist cannot accept the proposition that social phenomena can be reduced to the domain of the personality.

The most coherent way of understanding the organised violence

which occurred in these two social formations, is by conceiving of it as instrumental in maintaining a position of dominance of a particular ruling state. The intent in offering such an interpretation is to improve upon the "partial sense" offered by other scholars in the field who have described the organised violence of these two periods without giving to this description any clearly defined explanation in a socioeconomic context, or those who have offered explanatory frameworks for particular violences (Aztec human sacrifice, for example) which are less than satisfactory or comprehensive.

In order to discuss organised violence in this way, it is necessary to outline the characteristics of the two social formations in materialist terms. The intent is to draw a coherent picture of the violence that occurred within Mexico during these two periods and to point out the interconnections between that violence and its

economic context. The reader is invited to entertain the interpretation presented here, to consider certain readings of texts, to follow the arguments, and measure their adequacy and coherence. The appeal is not to an establishment of absolute truth, but to a coherence of meaning and adequacy of interpretation. In short, what is posited is that the interpretation here offered of organised violence in Aztec and Conquest Mexico makes more sense of the available readings about this subject than do others.

A Materialist Approach

An interpretive approach demands a willingness to acknowledge, to make explicit, and therefore open to debate, the fundamental theoretical basis which informs research. Even though it is often argued in empiricist oriented social science that research should be free of such a theoretical orientation, this supposed objectivity is impossible to attain. Thus the way in which the historical data available about organised violence in Aztec and Conquest Mexico are interpreted in this work is influenced by the particular theoretical orientation of the writer. And it is the writer's assertion that the location of the historical information about organised violence in Aztec and Conquest Mexico within a materialist theoretical framework makes more sense of the available data than do other theoretical frameworks. To state clearly at the outset that a materialist theoretical approach informs the present work is only to be explicit in a way in which traditional empiricist social science often is not.

It may at first consideration appear contradictory to argue for an interpretive approach which avoids the traps of forcing social phenomena into a naturalistic paradigm, and then begin to talk in

terms of a paradigmatic structure such as historical materialism. However, fundamental to the idea of an interpretive approach is the fact that social enquiry is never free of dependence on a contour of previous understandings, formal or informal. In social history, the constructs of a theoretical approach are the means through which particular events are analysed. In this thesis, the concepts of historical materialism, of Marxism, are used to produce a more coherent understanding of a specific social practice, organised violence, within two social formations and historical conjunctures. The concepts of Marxism are the tools which make such an analysis possible.

To merely state, however, that a materialist perspective informs the present study is to make clear little, given the complexities of contemporary Marxist debate and the scanty attention Marx and Engels devoted to pre-capitalist social formations. It is, therefore, necessary to specify at least in broad outline some of the concepts which will influence the substance of this work. The following sections rely heavily on the concepts of pre-capitalist modes of production developed by Hindess and Hirst (1975).²

The Matrix Role of the Economy. First and foremost, a materialist analysis involves the recognition of the central role of the economic in shaping the social formation. A materialist analysis, even in its most complicated and sophisticated form rests on the postulate that the most fundamental and determining relationship is between man and his material existence. The ways in which man goes about making his living, reproducing himself materially, broadly structures the ways in which he organises himself politically and the ways in which he thinks about himself. The organisation of material existence is seen as the basis out of which social organisation arises. The

fundamental relationship, therefore, between man and his material existence must be examined in order to formulate any clear understanding of specific social practices.

Such a formulation does not imply a crude economic determinism. On the contrary, a materialist conceptualisation of the structure and functioning of the social formation reflects much more complexity than a simple one-way directional causality from the economic. The social formation, or society, within a materialist analysis is conceived of as an articulated combination of structural levels (economic, political, and ideological). The term "articulated combination" implies a complex interaction of these levels - each level influenced by and influencing the others in a continuing interaction. This interaction, however, is not random and it is the economic which structures the way in which the interaction between levels takes place. The economy, therefore, plays a dual role in the social formation. It is both one of the levels of the social formation and structures the way in which the levels of the social formation exist in relation to each other. The characteristics of the economic level structure the relative importance of the three levels of the social formation and their effectivity in relation to each other (See Althusser, 1975 and Poulantzas, 1973 for the origins of this conception).

Mode of Production. Mode of production is a crucial concept in understanding this determining role of the economic. For it is the dominant mode of production, the characteristic way in which man organises his material existence, which defines the economic level and therefore determines which structural level (economic, political, or ideological) occupies a position of dominance within the social formation. Mode of production is defined as an articulated combination

of relations and forces of production. The relations of production are the mode of appropriation of surplus labour and a specific social distribution of the means of production. The forces of production are the mode of appropriation of nature, or the organisation of the labour process. The two, relations and forces of production, are not conceived of separately, but rather as forming an interactive combination in every mode of production.

Marx outlined a number of different modes of production, different general ways in which man organises his material existence, and subsequent scholars have refined and elaborated the outlines of these modes of production. The present thesis is primarily concerned with three of these modes of production: the tribal-communal and the ancient modes of production which characterised the Aztec social formation at two stages of its development, and the stage of primitive accumulation, the initial phase of capitalism which characterised Conquest Mexico after the Spanish intervention. Each of these modes of production depends for its continued existence on certain conditions being met within the three levels of the social formation. But as has been stated, the characteristics of the economic assign a position of dominance to one level in relation to the others, for it is within this level that certain primary conditions must be met if the mode of production is to continue.

In the tribal-communal mode of production, for example, only two levels of the social formation exist - the economic and the ideological, and the ideological level is the dominant of the two. The primary conditions for the continued existence, therefore, of the tribal communal mode of production are met within the ideological level. In a social formation characterised by the tribal-communal mode of

production. the productive forces of the group are extremely limited. Each member of the group performs essentially the same function. and the group is held together primarily through ideological mechanisms - through ideas of kinship and identification with common religious beliefs. Social labour is mobilised and the production of the group distributed by means of ideological mechanisms. Members of the group labour as they do because of some affinity with the group or common identification with a religious totem. Social relations are then primarily relations between people within the group.

Within the ancient mode of production, however, the nature of social relations changes from being those between people to those between classes - classes determined by the individual's relation to the means of production specified at the political level through rights of citizenship defined by the state. All three levels of the social formation then exist - the economic, the ideological, and with the rise of classes and the state, the political. And it is within the political level that the predominant conditions for the continued existence of the ancient mode of production must be met for the mode of production to continue. The mobilisation of labour, therefore, and the distribution of the social product take place within conditions worked out and struggles fought out within the political level.

Within a capitalist mode of production, the economic level is predominant. Labour is mobilised and the social product distributed not by ideological or political mechanisms, but through economic mechanisms. The economic, therefore, while always determinant¹ in the sense that it structures the relation of the levels of the social formation to each other, is not always the dominant level of the social formation. As Poulantzas (1973:14) has expressed it:

...the fact that the structure of the whole is determined in the last instance by the economic does not mean that the economic always holds the dominant role in the structure. The unity constituted by the structure in dominance implies that every mode of production has a dominant level or instance - but the economic is in fact determinate only in so far as it attributes the dominant role of one instance or another...

This materialist formulation of the structure of the social formation is a conceptual tool, a means of organising thought, not a static model of causality. And it must be taken to represent elements in continual interaction. The characteristics of the economic do not simplistically condition the nature of the social formation nor the specific social nature of practices, such as organised violence. The characteristics of the economic structure a set of conditions which are met within the different levels of the social formation, but may be met in a variety of ways. And it is when these conditions of existence cease to be met, the economic changes its form. The very complexity of the articulation, or as Poulantzas (1973:12) terms it, "the diversity of combinations " makes the study of particular social practices within particular social formations necessary.

The State and Organised Violence. A political level and a state are conditions of existence of all modes of production in which appropriation of surplus labour and the distribution of the means of production are not communal, i.e., where there is a division of people into classes. With the division of the members of a society into classes social relations become antagonistic and the reconciliation of differences requires mechanisms beyond the capacity of those in existence during the stage of tribal organisation. The maintenance of an economic system based on inequitable access to and distribution of the social product depends on mechanisms which will

contain the social antagonism which such a system generates. There must, therefore, within the social formations characterised by these modes of production be a space for the representation and regulation of class antagonisms, i.e., a political level and a state. The state, therefore, is a condition of existence of a mode of production in which there is a division of people into classes.

The state arises out of class antagonisms and because it does so it can never be neutral in regard to the interests it represents. As Engels (1942:196) has written:

...it is normally the state of the most powerful, economically ruling class, which by its means, becomes also the politically ruling class, and so acquires new means of holding down and exploiting the oppressed class.

The ruling class, through the state, attempts to maintain a situation in which it exploits and holds down the class on whose production it exists. The organised violence of the state, which is the focus of this thesis, is but one of the means through which this exploitation of a subordinate class is instituted and maintained. State violence is the most visible and arguably the least sophisticated means of subordinating a class of people. It is used, therefore, primarily when other technologies of subordination are either not developed to sufficient degree to ensure subordination, or are not effective in particular instances. However, even though organised state violence is not a particularly sophisticated method of ensuring subordination the ideology surrounding state violence can be, and often is, extremely sophisticated. The state which initially arises out of society gradually comes to be represented as being separated from society, and eventually appears as a force 'above' it (Engels, 1942:196). As the ruling class consolidates its hold over society and develops a

cultural hegemony over ideas. it is able to present through the state, its own interests as those of the society as a whole. The state, therefore, while perpetrating organised violence which serves the interests of the ruling class, also functions as the mechanism through which these acts are represented as being in the interests of the society as a whole.

The Economic Context of Organised Violence

In this analysis a particular social practice which is the object of study - in this case organised violence - is discussed primarily but not exclusively in terms of the mode of production which characterised the particular historical period in which the practice existed. Certain modes of production have as conditions of their existence coercive state apparatuses. The mode of production determines the existence of such apparatuses, but not necessarily their form. This is what is meant by stating that the mode of production defines a complex space of variation in which social practices find their form. The particular form which appears at any one historical conjuncture is a product of the interaction of various political, ideological and economic forces, of concrete historical struggles and events.

This discussion of the forms of organised violence in Aztec and Conquest Mexico involves a description of the characteristics of the dominant mode of production in each period and then a consideration of the various political, ideological and economic forces which influenced the form state violence took. In the following sections, therefore, what will first be specified is the outlines of the economic context within which organised violence existed in Aztec and

Conquest Mexico, and then this will be followed by a discussion of the various forces which shaped the forms taken by organised violence in these two historical periods.

The more overt forms of organised violence in the Aztec and Conquest social formations - warfare, forced labour, legal sanctions, and (for the Aztecs) human sacrifice - will be discussed. In choosing to discuss these more overt forms of organised violence a narrow definition of violence is used. This is not because a broader definition of violence is not acknowledged as acceptable, but because the argument is to be located at a level other than the definition of violence itself. Direct physical harm is a definition of violence which is popularly accepted. It is difficult to deny the violence, for example, of the Spanish forced labour system. Adopting an easily agreed upon definition of violence and therefore range of organised state violence facilitates the making of connections between this violence and its economic context.

Perry Anderson in his book Lineages of the Absolutist State explains that he wishes to locate his analysis somewhere in between two different planes of Marxist discourse, between the so-called 'abstract' plane of the Marxist philosophers, where discourse is focused above the level of specific events and institutions, and the 'concrete' plane of the Marxist historians who avoid the wider theoretical implications of their work. Anderson proposes to try to hold together in tension these two levels of reflection. A somewhat similar approach is adopted for the present study of organised violence - i.e., using wider theoretical constructs to inform the discussion of the particular. Theoretical concepts, therefore, relating to pre-capitalist and capitalist modes of production will be

used to help establish the economic context within which organised violence existed in Aztec and Conquest Mexico.

The primary contribution of this particular discussion arises from its combination of historical, economic and criminological topics - its concern specifically with the ways in which organised violence fit into the economic structures of these two social formations at the historical conjunctures chosen. The attempt is to synthesise the information available about this topic in a way which has not before been attempted. The violence which occurred in Aztec and Conquest Mexico has been discussed in other works, but largely only in descriptive terms - not as organised violence designed to serve the interests of a dominant class and not located within an analysis of the economic foundations of the social formations within which this violence occurred. Similarly the economic foundations of these social formations has been discussed, but seldom from a Marxist perspective. The attempt in this thesis is to synthesise the available information into a coherent whole so that organised violence within these two social formations at these two historical conjunctures can be seen in relation to the economic context within which it occurred.

This thesis is a combination of a number of disciplines - history, criminology, economics, anthropology and sociology. But the segmentation and specialisation of these disciplines is itself somewhat false and is part and parcel of the growing trend toward empiricism in the social sciences which blinkers and confines discussion. Since the present treatment is designed to avoid such a confinement, it falls squarely under none of these disciplinary traditions. This discussion, therefore, necessarily involves the exposition of information which cannot merely be assumed to be familiar to the reader.

Few criminologists have more than a rudimentary knowledge of Aztec and Conquest Mexico. It is necessary, then, to give a detailed account of the socio-economic context which underlay the violence which occurred in these periods.

The intent of this thesis is not the presentation of previously undiscovered information but the placing of the information available about organised violence in Aztec and Conquest Mexico within a particular explanatory framework which makes more sense of the available data than do others. A materialist interpretation of organised violence in Aztec and Conquest Mexico gives a coherence to the disparate facts regarding organised violence which have been previously written about.

Organised Violence in Aztec Mexico

When the Aztecs first came into the central Mexican valley, they were a nomadic tribe which secured its existence through hunting, gathering, and fishing - appropriating land only temporarily when the group broke off from its wanderings. At this stage of social development the appropriation and distribution of the social product was communal. There were no social classes, no politics and no state. In such a social formation, the division of labour was extremely limited and individual members of the tribe performed essentially the same functions. The group, as a group, stayed together only so long as it served the interests of those in it - only so long as its members saw their needs and interests served by the group. Durkheim, in The Division of Labour in Society, discusses societies characterised by such social organisation as being held together by mechanical as opposed to organic solidarity. Since in such societies there is a

limited specialisation of labour, members of the group are not interdependent in terms of their functions within the society. The individual members of the group form a collective of people who perform essentially the same tasks and are held together largely through ideological mechanisms, by a shared identity or religious belief system (See Durkheim, 1933).

Even though there were leaders within the group, and some degree of coordination of group activity, there was no structure to enforce a particular set of social or economic arrangements or even a particular leadership. Leaders during this stage were in a position to offer suggestions, to guide decision making, rather than to enforce any particular course of action. Even the continuance of a particular leadership depended solely on the leader holding the ideological support of the members of the group. Because of limited specialisation of labour and lack of coercive mechanisms, individuals could vote with their feet and leave the group. The leaving of a particular faction was not disastrous for the group and there was no coercive mechanism to force the group to stay together. Aztec legend, in fact, tells of an instance in which a part of the group decided to remain behind while the rest moved on. Even though the group that stayed behind was left without any clothing after having been tricked into going for a swim, this action was more a mild reprisal than a form of organised coercion to remain with the group (See Durán, 1964:16).

Just as there was no mechanism to force the group to stay together, there was no mechanism to enforce labour or a particular distribution of its product. Appropriation and distribution of the social product was collective, involving temporary or semi-permanent cooperative groups and resting largely on ideologically determined social relations. In simple redistributive arrangements characteristic of

nomadic hunting and gathering tribes, this usually involved temporary arrangements about the redistribution of a particular kill. Who did and did not participate in the hunt, who was allocated food from it, and how much individuals received was determined by a set of ideological relations within the group. Children, for example, who did not participate in the hunt were nevertheless given a portion of the food because of ideologically established notions about children as a category of people.

After coming to the central valley, however, the Aztecs eventually acquired land for themselves. Following the example of the larger, more established Indian groups in central Mexico, they became an agricultural people. When they did so, decisions about appropriation and redistribution were no longer confined to a particular kill or a particular day's gatherings but instead involved more complex issues. The use of land as an object of labour required a different, more complex structure of relations of production. While hunting and gathering had involved only short-term temporary organisation, agriculture depended on long-term planning and assurance of food between crops. Organisational questions instead of involving, for example, who went on and received food from a particular kill, came to involve much more complicated issues such as access to land, storage, decisions about when to plant, accumulation of knowledge about weather conditions and crops, and distribution of the community's increased surplus production.

The semi-permanent agricultural formation engendered a more complex and stable set of social relations along with the more complex organisation of production. Still, however, the set of relations

which governed appropriation and redistribution of surplus were primarily ideologically determined. Access to land and the distribution of the social product of labour were still largely based on ideological social relations, concepts about certain categories of people and their part in production and distribution. In Aztec social formation, for example, kinship groups, or calpulli which had existed during the tribal nomadic stage of development, came to form the basis for the organisation of agricultural production. A portion of the available Aztec land was allocated to each of the calpulli. The calpullec, or leader of each of the calpulli, then assigned land within the allotted division to each of the family units within his calpulli, leaving a section of land which was worked communally for the support of the calpulli itself.

At this stage of Aztec social development, however, there was no division of people into classes, no political level, and no state. Since one of the defining characteristics of this type of social formation is the absence of the state, there was obviously no state violence. This is not to maintain that there was no violence or coercion, just that violence and coercion were not organised mechanisms of enforcing the exploitation of one class by another.

The main barrier, however, encountered by settled peoples in their relations to the natural conditions of production - to the land as their own - is some other community which has already claimed the land or wants it. This was especially true for the Aztecs who had come into a heavily populated region where most of the land was already divided up among competing Indian groups. In such a situation, as Marx has noted:

War is...one of the earliest tasks of every

primitive community of this kind, both for the defense of property and for its acquisition (Marx, 1964:89).

Because agriculture turned the soil into a 'prolongation of the body of the individual' (Marx, 1964:92), continued possession of land came to be a necessary condition of existence for individuals as well as the community as a whole. And, the way in which members of the group related to natural conditions structured the way they related to each other and the community. Once the group ceased nomadic hunting and gathering, and settled into agricultural production, this had ramifications on the structure of the whole society. The defense of territory from other groups became imperative, and the increased capacity of agricultural over nomadic production provided the surplus which supported warring activity (See Payne, 1892:1-3).

As protection of territory from outside groups became necessary, the society became more and more dependent on a warrior class. Support of this warrior group was necessary for the group as a whole to continue. Within Aztec society, therefore, there developed a warrior class supported through the surplus production of a labouring class. This warrior class increasingly set itself apart from the masses of people. When the warrior class succeeded in conquering an extensive empire belonging to a neighbouring Indian group and distributed the conquered land largely among themselves, they laid the groundwork for establishing themselves both politically and economically as a ruling class. From this position they were to gain increasing control over surplus production and increasing power to enforce inequitable distribution of this surplus.

The existence of the warrior group and the distribution of the newly conquered territories formed the basis on which arose a class

society and therefore a state. This ruling warrior class, through the state, organised the appropriation of labour, agricultural and manufactured products from individual producers first within the central valley and then over an expanding empire. This appropriation was made by right of membership in a body of citizens who were the possessors of the dominant state.

The primary unit of the labour process was the individual producer who held the means of production, the land, provided his own subsistence, and contributed part of his production to the state. There was little cooperation in terms of the labour process itself, only in such activities as warfare and the construction of certain communal or public works controlled by the state. As the empire expanded other labour forms emerged. The Aztec warrior class conquered new provinces and set aside large plots of land in these provinces which were worked by the local people for the support of the Aztec warriors. In some instances plots of land were set aside to be worked communally for a particular Aztec noble. In other cases, nobles were awarded a portion of land in a conquered region and the people who lived there became his vassals, paying rent for occupying the land. Slavery also emerged as a labour form. Those independent producers who failed to meet their tribute demands, for example, could be made slaves. Numerous labour forms existed, therefore, but they were not the primary form of labour organisation, which remained during the entire history of the empire the individual peasant producer.

As has been previously discussed, the determining role of the economy lies in assigning to the different levels of the social formation their relative positions, their precise effectivity in relation to each other. With the transformation from tribal-communalism

to the ancient mode of production and the rise of the state, the relations of production, the form of appropriation of surplus labour and the distribution of social product, ensured the position of dominance of the political level. The members of the ruling state as a body of citizens controlled the designation and appropriation of surplus labour and the distribution of its product. Through the state, the ruling class enforced the appropriation of surplus and its distribution in politically determined ways.

It was, therefore, with the transition to the ancient mode of production, within the political level rather than the ideological level, that struggles about the appropriation of surplus and its distribution were fought out - the political level that determined the exact nature of class struggle within the social formation. The state gradually came to control not only the appropriation of surplus, but to some extent access to the means of production, the land. Most of Aztec litigation, for example, involved land disputes (Peterson, 1961:122). The role of the state as proprietor in the social formation was crucial, for not only did the state control permission of access to the land it held, and therefore in some limited way to the means of production, but it also controlled distribution of the spoils of conquest and access to lucrative state positions such as tax collecting.

The Aztec social formation moved, therefore, in a relatively short span of time through a stage of simple redistribution characteristic of hunting and gathering tribes, to the complex redistribution of a stable agricultural community, to a class society characterised by a state and a political level. It is necessary to stress here that these transitions and the social practices associated with them are

considered in a non-evolutionary way. There was nothing inherent in the tribal-communal mode of production which irresolutely determined a transition to the ancient mode of production and the development of the state. Neither was the development of a warrior group, nor any other factor or combination of factors a direct and invariable determinate of the rise of the state. Increased surplus production, the competitive environment in the central valley, warfare, the development of a warrior group, were all factors to be taken into consideration in the development of the Aztec state, but not invariable determinants of it. The rise of the Aztec state, therefore, was a result of a number of complex circumstances not least of which was the struggle of a particular class of people who found themselves politically and then economically able to establish such a state structured to their advantage. Particular social practices such as the development of a warrior group, what Marx refers to as seemingly 'innocent extensions,' however, were the elements on which a new mode of production, a new form of social organisation, arose and the means through which the old form was eroded.

The determinant mode of production, in this case the ancient mode of production, had conditions of existence which had to be maintained if the mode of production was to continue. And the state was a mechanism used to organise conditions so that these conditions of existence were met, and to ensure that basically antagonistic social relations in which one class laboured and produced while another lived off that labour, could be contained. With the establishment of classes and a state in Aztec society, surplus became the property not of the group as a whole, as it had been at the stage of tribal-communal organisation, but the property of a particular class. The state was

used to manage the appropriation of this surplus, its management, and the containment of opposition to this arrangement. As the Aztec ruling class developed and solidified its position of dominance through the state, it also developed and refined the technologies of state control which enforced the conditions of its existence. The focus of this thesis is four forms of state control which involved direct physical violence, four forms of organised state violence. The way in which these forms of organised state violence functioned to implement and maintain a particular set of economic relations is the focus of the discussion. For, as Marx (1979:916) has written: "Force...is itself an economic power."

Organised Violence in Conquest Mexico

Both Marx and Engels saw conquest as one of the primary disruptive forces in economic development (See Gandy, 1979:6), and the Spanish Conquest of Mexico threw into chaos the organisation of production which had existed in central Mexico before their arrival. By fomenting rebellion among the vassal Indian groups of Mexico, the Spanish were able to bring about the political and economic collapse of the Aztec state system. The destruction of the lines of authority of the Aztec empire was necessary in order to establish the authority of the Spaniards in Mexico. For, as Hindess and Hirst (1975:260-261) note, "...the transition from the domination of one mode of production to that of another necessarily involves the effective destruction of one articulated social whole and its replacement by another."

After the Spanish intervention, Mexico no longer composed a self-contained economic, political, and social system which could respond only to its own internal demands and events occurring within it.

Instead, with the Conquest, Mexico became a colonial possession of Spain, and therefore, part of an interlocking western European division of labour - part of the emerging capitalism of western Europe. For even though the political units of western Europe remained separate, their economies were already interlocked in what Wallerstein (1974:15) terms a "world economy" or a "world system." Decisions could no longer be made in the context of a single political unit, but had to be made with regard to the western European economy as a whole. Mexico, after the Conquest, was relegated to a particular position in relation to Spain and therefore in relation to the western European economic system. Events in Mexico were then profoundly influenced by the interlocking economic relationships of western Europe.

Western Europe, during the fifteenth and sixteenth centuries, was undergoing a phase of development which was to pave the way for capitalism - primitive accumulation. Within western Europe there were a number of constraints on capital accumulation. The small size of the working class, for example, was a considerable constraint. Only a limited amount of productive capacity could be extracted from the production of the working class given that most producers were independent and their labour could not be controlled, rationalised, supervised as it was later when workers were forced into factories. In western European countries, the primary structural solution to this constraint was strategies to control the work process within the dominant economies. In the periphery, such as in Africa, western European countries attempted to secure capital by engaging in plunder, semi-tributary relations, and the intensification of pre-capitalist relations of production such as slavery.

In Mexico, the Spanish state would first engage in plunder,

then attempt to control the work process, or organisation of labour, by attempting to make of the Indians wage labourers. When it became apparent both because of the opposition of the colonists and the inability of the Indians to adapt, that a system of wage labour was unworkable in New Spain, the Crown would resort to the intensification of pre-capitalist relations of production - slavery and forced labour. Even though these labour forms were characteristic of a pre-capitalist form of production they nevertheless were designed to feed capitalist accumulation in western Europe.

The former means of organising production in Mexico that used by the Aztec state - in which independent labourers held the means of production and contributed part of their produce to the state - was not sufficient to feed capital accumulation in western Europe. The ancient mode of production, therefore, largely disintegrated in the face of Spanish pressure. What evolved were pockets of capitalist mining and large scale agricultural production. In other areas production remained in its pre-conquest or tribal-communal form. But even in areas not directly affected by the intervention of capitalist relations were gradually permeated by the colonial capitalist relations which characterised the mining and agricultural regions. Even though a fundamental reorganisation of labour and its relation to the means of production was not implemented in all of Mexico, changed social relations permeated other areas.

While the old forms of production remained as an underpinning of subsistence, the new forms of production took hold, imported by the Spaniards and backed up by Spanish force of arms and Spanish law. Whereas the Aztec ruling class had appropriated surplus agricultural product primarily from individual peasant labourers, agricultural

produce was of secondary importance to the Spanish and of value primarily as a means of supporting the mining regions. The real European interest in Mexico was precious metals, not foodstuffs, and precious metals were intended not for the maintenance of the economy in Mexico, but to feed capital accumulation in Europe. Mexico, then, became part of an international division of labour and her role was to provide precious metals. The colonial economy and social structure were, therefore, geared toward this end.

To get metals out of the ground a labour force was needed, and it seemed as if there was an unlimited labour force in Mexico - the native population. The task then became mobilising this labour force which was economically and ideologically tied to the land and therefore not easily organised to work in Spanish mines or on Spanish agricultural plantations. Labour, therefore, had to be reorganised. The separation of Mexico from Spain geographically, of Mexicans from the Spanish racially, and the economic pressures for gold in western Europe, all helped to ensure that this process of reorganisation would be especially violent. The history of Conquest Mexico, the first thirty years of Spanish colonial presence under discussion, was largely the history of a forced change in the labour process. The violence of the time was largely the violence of forcing a changed organisation of labour on an unwilling and unprepared people. In this period of transition organised violence served to transform the relationship of classes to one another and of classes to the means of production.

Summary

In this discussion of organised violence in Aztec and Conquest

Mexico the primary concern is to demonstrate the ways in which organised violence brought about or maintained particular economic arrangements which were in the interests of a ruling class or ruling state, to explore the ways in which state violence functioned in these two specific economic contexts. Obviously such a discussion requires a detailed explanation of the particular economic contexts in which the particular states and systems of state violence existed. In the following sections, therefore, the economic context of organised state violence in Aztec and Conquest Mexico will be examined and then particular forms of state violence discussed in terms of the ways in which they served the interests of the ruling state.³ An additionally important part of this discussion is the "ideological work" done by the state to present the violence it organised as legitimate. The violence the state exerts in order to secure and maintain its position is seldom presented ideologically as in the interests of the ruling class, but as in the interests of the society as a whole. The very effectiveness of state organised violence is tempered by the expertise of the state in presenting this violence as protecting society as a whole and not designed to protect special interests of a particular class. Frequently, the ideological representations constructed by the ruling state are accepted on face value by historians and scholars and the acceptance of these justifications is one of the reasons why other discussions of the organised violence that occurred during these two historical periods have been partial or misleading. In discussing each form of organised state violence, therefore, a section has been included on the ways in which the state attempted to legitimate its violence.

The wider relevance of this study is two-fold. First, by exploring ways in which organised state violence was implemented and legitimated to maintain particular sets of economic relationships in two specific historical conjunctures, a considerable insight is gained with regard to how pre-capitalist states function in relation to organised violence. Second, states have neither ceased to use organised violence nor legitimate it and the present study serves as a beginning in understanding the use and legitimation of organised violence in contemporary states.

CHAPTER II

AZTEC MEXICO: THE CONTEXT

Neither Marx nor Engels wrote extensively about pre-capitalist modes of production. And even though they used numerous examples from the early histories of Greece, Rome, and Germany in their discussions of the origins of the state, they knew almost nothing about ancient Mexico. The few references they did make to the social formations of ancient Mexico (See for example Engels, 1902:30 and Marx, 1964:70) were based on the work of the American anthropologist, Lewis H. Morgan, on whose research The Origins of the Family, Private Property and the State, was partially based.

The appeal of Morgan's work was largely its evolutionist approach to the transition from stateless to state society and the importance of property to this transition. Morgan, for example, maintained that all forms of government were of two types - first those founded on persons and 'relations purely personal,' and second those founded on territory and upon property (Morgan, 1877:6-7). As Benjamin Keen (1971:381,506) has noted, however, Marx and Engels virtually ignored the non-materialist aspects of Morgan's work. And even Morgan's economic analysis was considered inadequate. Engels was prompted to write in the preface to the first edition of The Origins of the Family:

The treatment of the economic aspects, which in Morgan's book was sufficient for his purposes but quite inadequate for mine, has been done afresh by myself (Engels, 1942:3).

Contained in Morgan's work, however, was one of the fundamental theses of the Marxist theory of history - that the existence of politics was inextricably tied to the existence of the state, and that the state and politics existed in some types of societies but not in others. Morgan linked the existence of politics and the state to ideas of property which posed problems beyond the capacity of the traditional forms of social organisation - those based on kinship and collective decision making (See Hindess and Hirst, 1975:28-29). Morgan used as indices of the stages of evolution of these ideas certain arts of subsistence. The degree of sophistication of pottery, for example, was taken as an indice of the stage of development of a social formation. As Hindess and Hirst (1975:29) remark, however: "Indices...are no substitute for theory." And, Morgan's indices were not tied to an elaborated theory of the structure of the economy as a system of social relations.

Whereas Morgan connected the development of politics and the state to certain stages in the development of ideas about property and territory, within Marxism, the existence of politics and the state are seen to be conditions of certain modes of production in which members of a society are divided into classes. Hindess and Hirst (1975:29) comment:

...the sequence of arts of subsistence in Morgan's text appear to be somewhat arbitrary while the nature of the connection which he attempts to establish between economic changes and the movement from a gentile to a political form of government remain obscure.

There was, therefore, some affinity between the approach taken by Morgan and that of Marx and Engels and this to some extent explains their use of his research. But the inadequacy of Morgan's

indices can be clearly seen in his analysis of Aztec society. Based on the indices of arts of subsistence, Morgan delineated three stages of societal development - savagery, barbarism, and civilisation. To the Aztec society he assigned the position of 'middle barbarism.' This stage of development, according to Morgan, commenced with cultivation by irrigation and the use of adobe brick and stone in agriculture. The termination of this stage of development was marked by the invention of the process of smelting iron ore. Having placed Aztec society within a particular stage of development according to these indices, Morgan then concluded that the Aztec political system was a military democracy and that the Aztec capital, Tenochtitlan, was a mere pueblo. He denied even the existence of an Aztec empire (Morgan, 1877:11,187-188).

Morgan had studied and written extensively about the Iroquis Indians of North America, and took their social organisation to be the pattern on which all Indian societies were organised. He devoted a prodigious amount of time and energy during his career trying to show that Aztec social organisation was in essence based on tribal kinship ties and communal ownership of land, similar to, though more advanced than, the social organisation of the Iroquis. He was, as Keen (1971:382) remarks, "intensely annoyed" to be faced with evidence to the contrary.

The body of evidence to the contrary, however, has grown substantially over the years since Morgan's writing and almost all contemporary scholars, Marxist and non-Marxist, are in agreement that Aztec society had progressed well beyond the stage of primitive communism or military democracy, and had established a state system characterised by an hereditary monarchy, well defined social classes and

economic functions, and the individual holding of property (See Keen, 1971:508; Wolf, 1959:130-151; Sanders and Price, 1968:41-49; Peterson, 1961:117).

Therefore, while Morgan's (and consequently Marx' and Engels') assessment of Aztec society may have been a fairly accurate reflection of an early phase in Aztec social development, it certainly did not apply to the society that had evolved by the time of the Spanish conquest. The economic, social and political characteristics of the Aztec social formation by the sixteenth century were very different from the economic, social and political characteristics of the social formation of the wandering tribe that first immigrated into the central valley.

Even among contemporary scholars, however, confusion arises when all the phases of development of the Aztec social formation are not considered. This has led to radically different conclusions about the nature of the society itself. George Vaillant (1961:268), for example, has described Aztec society as "a tribal democracy where Indians worked together for their common good and no sacrifice was too great for their corporate well being." While Laurette Se'journe' (1976:14) described a "totalitarian state of which the philosophy included an utter contempt for the individual." Both of these statements are an accurate reflection of Aztec society, but at quite different phases of development.

Vaillant in a later work (1962:246) maintained that there were two conflicting viewpoints on which aspect of Aztec culture to stress - the early tribal democratic, or the stratified class social organisation of the later empire. There is, in fact, no conflict. It is a matter of choosing not which aspect to stress, but which historical

period to discuss. The Aztec social formation cannot be treated accurately as a static type, using development at one point in its history as a reflection of the entire history of the social formation. There were drastic changes in Aztec social organisation over the years the Aztecs occupied central Mexico and any discussion of Aztec society must take this history of development into consideration.

While the general concepts of historical materialism developed by Marx and Engels are essential in analysing the structure and functioning of Aztec society, their writings about the Aztec social formation in particular are of little help. References to ancient Mexico are scant, and even these are based largely on Morgan's inaccurate assessment of the stage of development of the Aztec social formation. Only a handful of contemporary scholars (See for example Frederick Katz, 1966) have attempted anything even approaching an in-depth materialist analysis of the economic and social formations of central Mexico. It is necessary, therefore, to reconstruct a picture of the Aztec social formation in materialist terms.

In order to do so, however, it is important to discuss some of the historical antecedents of that social formation and the way in which the Aztec state system itself came into being. The Aztec empire did not come into being or develop in a vacuum, but was built upon and modified by the heritage of previous MesoAmerican civilisations. A discussion of the transition of Aztec society from a stateless form of social organisation to a class society which included a state is instructive in understanding the violence organised by the Aztec state once it was established.

The Rise of the Aztec State

The central Mexican valley in which the Aztecs were to establish their empire is a basin which measures about 2500 square miles, rimmed by a horseshoe of mountains and volcanoes. Due to the mild climate and fertile land of the region it is, simply put, a very good place to live. The region had been civilised for almost a thousand years before the Aztecs came into it from the north (Davies, 1973:20; Keen, 1971:4). By at least 1700 B.C. there were settled farming communities in the central valley organised mainly around the cultivation of maize (Piña Chán, 1963:19).

There were advantages to abandoning nomadic cultivation with its low yield in favour of sedentary agriculture in the region. These communities soon began to produce a great surplus of foodstuffs. During what is called the Theocratic Period (roughly 200 B.C. to A.D. 800) a number of large ceremonial centres came into being supported by this surplus production. They were characterised by some degree of occupational specialisation, intensive and extensive agriculture, temples, a priestly hierarchy, and well organised means of distribution and control (Piña Chán, 1963:22). The ceremonial centres, while producing little themselves, were supported by the agricultural surplus of surrounding areas. The two most important ceremonial centres in the central valley were Teotihuacan, and later Tula. Both attempted, and to a certain extent achieved, a limited political unity in the central valley. They represented attempts at political centralisation which were to lay the groundwork for the later, more successful Aztec empire.

Teotihuacan was characterised by impressive architectural achievements, the use of irrigation, and large scale trade conducted with

other regions of Mexico, It is estimated that at the height of Teotihuacan development (around 500 A.D.) the population reached 100,000 (Helms, 1975:55). The dominance of Teotihuacan, however, in the central valley was largely based on culture and trade rather than on military force, and by the end of the seventh century a general decline set in. The exact reasons for the decline of Teotihuacan are obscure. Some scholars have attributed it to population pressure which exhausted the soils of the areas surrounding the ceremonial centre. Others have maintained that peasant revolts brought on by excessive tribute requests destroyed it - the exploited hinterlands rising against the wealthy urban areas. Helms (1975:80-81) suggests as explanations for the decline, changes in the ecology of the area and simple over extension so that Teotihuacan was no longer able to maintain control of its territory (See Wolf, 1959:105-109 for a discussion of these arguments). Whatever the reasons, there was a general weakening of defenses in Teotihuacan, and the centre became prey to less civilised invading barbarian tribes. Sometime at the end of the seventh century Teotihuacan was burned to the ground (Helms, 1975:80).

After the fall of Teotihuacan, the Indian groups that were strong enough to attempt to bring about some unity in the central valley took on a more militaristic aspect. Warriors took over as rulers, replacing the priestly hierarchy (Peterson, 1961:71). The change in emphasis toward militarism was reflected in painting and sculpture which came to be dominated by military figures (Piña Chan, 1963:23-24). Benjamin Keen (1971:7) has remarked about the difference between these two periods:

Priests and kindly nature gods had presided over the hieratic societies of the classic era; warriors and terrible war gods dominated the states that established themselves on the ruins of the

Classic world.

Force and warfare were found to be much more effective instruments of political domination than "religious awe and a sense of dependence" (Keen, 1971:7).

The Toltec civilisation centred in Tula was one of the most important militarist civilisations that arose during this period in central Mexico. Tula itself, however, did not completely shake off the remnants of the classical period and became the scene of a struggle of ideas between the classic and militaristic eras. This struggle, although played out between competing religious factions, was actually a competition of ideas about social organisation. Ideological traditions associated with the benevolent god Quetzalcoatl who demanded sacrifice only of jade, snakes and butterflies, fought for dominance against the new ideas associated with a capricious tribal sky god, Tezcatlipoca, who demanded warfare and sacrifice of humans (Wolf, 1959:122). Quetzalcoatl, according to legend, lost favour with the gods and was banished, promising to return.

The defeat of Quetzalcoatl, in Keen's words (1971:8), "signalled the triumph of Militarist over Theocratic elements in Tula." The legend of the ousting of Quetzalcoatl represented in fact the ousting of old values and their replacement by new ones more closely in line with the needs of the emerging military state. Quetzalcoatl, the Plumed Serpent, the benign agricultural god, the symbol of culture and learning, was exiled and a more ferocious warlike god took his place. The struggle between the competing factions took its toll, however, and Tula, its external defenses weakened by internal social and economic difficulties, like Teotihuacan, succumbed at the end of the twelfth century to invasions from barbarian tribes. With the fall

of Tula, the region lapsed once again into a collection of competing territorial groups each warring against each other for control of the valley. The collapse of the Toltec empire and the invasion of the region by barbarian tribes from the north marked the end of the reign of the ceremonial centres and the beginning of an era of conflict and militarism (See Wolf, 1959:122-123). The powerful Indian groups in the valley began establishing city-states which competed for land and the surplus production of other groups in the form of tribute.

It was into this climate of fierce competition the Aztecs immigrated sometime around the middle of the twelfth century. The chaotic three centuries from 1100 to 1300, preceding the founding of what was to be the Aztec capital, Tenochtitlan, were characterised by alliances, betrayals and shifting power among the various groups of Indians in central Mexico. If one had been placing bets on the eventual winner of this positioning for power, the Aztecs would have most likely been passed over in favour of other more promising groups.

The Aztecs were distinctly unwelcome in the already densely populated region. The three principle Indian groups, the Tepanecs, the Culhuas, and the Aculhuas controlled most of the land surrounding the west, south, and east of the central lake system. The Aztecs, a semi-barbarian wandering tribe, could not compete with these powerful groups. So for almost a hundred years the Aztecs were driven from place to place by these stronger and more economically viable peoples, settling and remaining only briefly where they were tolerated (Keen, 1971:1-4). The Aztecs were forced to settle on the most unprofitable land available and required to pay tribute even for the right to occupy this land. But they gradually adopted some of the religious, political, and agricultural ideas and techniques of these

older cultures, and they survived - not, however, without a struggle.

Because they were a wandering tribe and not a thriving agricultural community, the Aztecs were limited in what they were able to offer as tribute to the powerful groups who had divided up central Mexico for themselves. So in order to secure their occupancy of the land, they offered the only thing they had - themselves as military support to their overlords (Katz, 1969:135). It was this long apprenticeship as mercenaries of the competing powers in central Mexico that was to provide the Aztecs with both the political and military expertise necessary to become the eventual dominators of the region (Davies, 1973:77). The apprentices, in the end, became the masters.

The struggle of the Aztecs to secure land and free themselves from the domination of more powerful Indian groups resulted in their reversing the roles of dominator and dominated. They, in fact, were to become the most efficient dominators the central valley had yet seen. They absorbed well the lessons of Teotihuacan and Tula and more successfully than either of these banished the traces of the Classic period and emphasised the essentials of a true military state.

This state was to be centred in the city of Tenochtitlan, but when the city was founded in 1325, it was more a refuge than a seat of power. When the Aztecs founded Tenochtitlan after being driven out of another region, it was merely a small marshy island in the middle of a lake. Even to occupy this piece of land they were forced to accept the overlordship of the Tepanec Indians of the city of Atzacapotzalco. But, unsuitable as the new site was, it had the advantage of being difficult to attack. It was the only site from which the Aztecs were never driven by competing Indian groups.

With their talent for turning to advantage unfavourable

circumstances, the Aztecs adapted. Food on the island was abundant for the number of people who originally came to it. Raw materials, however, such as stone and timber, were not. The enterprising Aztecs decided rather than appealing to the Tepanecs for wood and stone, they would send people to the local markets with fish, frogs, reptiles and birds to trade for the needed supplies (Davies, 1973:38-40). The Aztecs began systematically reclaiming the marshes surrounding the island by building floating gardens or chinampas, built from alternate layers of mud and lake vegetation supported by reeds and sticks. The chinampas were immensely fertile. Slash and burn agriculture⁴ in central Mexico required an estimated 1200 hectares of land per year to provide adequate food for 100 families. Chinampa agriculture, however, required only somewhere between 37 to 70 hectares to feed 100 families (Stein and Stein, 1970:33). Due to the economic strength created through chinampa agriculture and also due to the connection of the Aztecs with their successful neighbours, the Tepanecs, the Aztecs began to flourish.

The Tepanecs had begun the work of forging an empire for themselves in central Mexico - taking over surrounding territories and then demanding tribute from them. The Aztecs served the Tepanecs as mercenaries and as vassals, but as the power of the Tepanecs grew so did the power of the Aztecs. As a reward for their services, they were awarded more land, and this land provided additional food resources for the growing population and much needed raw materials such as stone and timber. Gradually, with Aztec assistance, most of the central valley was brought under Tepanec control (Katz, 1969:137-138). The Aztecs became less and less mercenaries and more and more allies. The Tepanecs, however, eventually came to fear the power of this allied

tribe. Diego Durán, a Dominican friar who grew up in sixteenth century Mexico and wrote his Historia de las Indias de Nueva España e Islas de Tierra Firme using Indian picture writings and native informants, recorded that the king of the Tepanecs warned his people about the increasing power of the Aztecs in these words:

Little by little, the Aztecs are rising, becoming proud and climbing to our heads (Durán, 1964:36).

And indeed, when the Aztecs felt themselves strong enough they began to test their association with the Tepanecs. First they petitioned the Tepanecs for access to a fresh water spring, saying that they would find a way of transporting the water if they were allowed access. The Tepanecs agreed and the Aztecs built a causeway. The causeway, however, built only of clay, proved inadequate and the Aztecs petitioned again, this time for stone and lime and even vassals to construct a stone pipe. This final request, or demand, proved too much for Tepanec pride. Not only did they refuse the stone and vassals, but took back permission of access to the water entirely and cut off trade with the Aztecs (Davies, 1973:45; Durán, 1964:48). The demand for access to a fresh water supply was an important demonstration of the growing Aztec independence from the Tepanecs (Padden, 1967:10). As a reminder to the Aztecs that they were still subjects, the Tepanec ruler demanded twice the usual tribute Atzcapotzalco then received from Tenochtitlan. The Aztecs, however, complied with the demand and amazed the Tepanecs. The Tepanec king told his council:

...this has seemed to me almost a supernatural thing. When I ordered this to be done I thought it was an impossible task (Durán, 1964:36).

Even higher tribute demands were laid on the Aztecs and again they complied.

The meeting by the Aztecs of the tribute demands so impressed the Tepanec ruler that he is said to have then regarded them as a supernaturally endowed and chosen people (Peterson, 1961:93; Durán, 1964:25-26). This was a reputation which the Aztecs did everything in their power to cultivate. The Aztecs did, however, seem to believe that, chosen or not, the gods helped those who helped themselves. They began establishing ties with other neighbouring Indian groups by inviting merchants to their markets and receiving them well. They began to intermarry with these other groups and consolidate their relations with them (Durán, 1964:44).

Having established friendly relations with other cities, the Aztecs bided their time and gathered strength. They eventually managed to have the Tepanec tribute demands lessened by a series of well chosen marriages between the Aztec and Tepanec elite. The enmity between the two peoples, however, remained, and with the assumption of power in 1426 of a new Aztec leader, Itzcoatl, relations with the Tepanecs took on a more threatening tone (Davies, 1973:40-49,63). Both sides began to prepare for war.

The Tepanec rulers inflamed the Tepanec common people, telling them that the Aztecs wanted to make them slaves. The Aztec warrior elite in turn began trying to generate support for a war against Atzcatpotzalco. The Aztec commoners, however, were fearful and very reluctant to pursue a battle with the powerful Tepanecs. Many requested permission to leave the city. The military leaders wanted war - the commoners wanted peace (Davies, 1973:65). According to legend the new ruler, Itzcoatl, and his warriors spoke to the people and promised that if the war against Atzcapotzalco failed they would deliver themselves up to the common people to be eaten. "You can

eat us in the dirtiest of cracked dishes," the leaders were said to have told the people, "so that we and our flesh are totally degraded." The common people, so the legend goes, agreed to the war and in turn promised that if the Aztec warriors won the commoners would serve them forever (Durán, 1964:57-58).

In 1427, the death of the Tepanec ruler created a vacuum of power and the Aztecs saw their chance. They formed an alliance with two other neighbouring Indian groups in the cities of Texcoco and Tlalpan, and the combined forces of this Triple Alliance defeated the Tepanecs. The former Tepanec domain was consolidated under the control of a confederation which was for the next hundred years to dominate the central valley (Katz, 1969:137; Helms, 1975:98-99).

Confederations such as this one were rare in MesoAmerica and although Prescott (1922:17) maintains that there were never disputes over the spoils of war, others (See for example Vaillant, 1962:176) present a more believable picture of an alliance marked by continual intrigue and held together only by mutual dependence on their combined force. It is unlikely that any one of these city-states alone could have hoped to maintain control over even the inherited Tepanec kingdom, much less the expanded empire that was to come later (Davies, 1973:112). So the three - Tenochtitlan, Texcoco, and Tlalpan - remained together in an uneasy alliance which was to become increasingly dominated by Tenochtitlan. It was an alliance, notes Mendieta y Nuñez (1920:184) of force and not of cohesion.

The defeat of the Tepanecs and the inheritance of their kingdom marked a turning point in Aztec social relations. The grossly inequitable distribution of conquered land after the war, most of it

going to the ruler and the warriors and very little to the clan organisations of common people, radically altered the nature of land ownership and assured the new warrior elite a firm basis of economic power. It is probable that the story of the agreement between the warrior elite and the commoners in which the commoners agreed to serve the elite forever was retrospectively constructed to justify the widening of class distinctions and inequalities of power and wealth which were a result of the war (Davies, 1973:78-79).

From this point onward, interrupted only by the Spanish conquest, Aztec social relations were increasingly characterised by class distinctions and the consolidation of centralised state power and direction (See Kurtz, 1978:169-189). The inequitable land distribution begun after the Tepanec war was to be a continuing feature of Aztec society. Henceforth, the lands of conquered nations were distributed in a hierarchy beginning with the ruler and then the warrior elite and chieftans (Durán, 1964:90-91).

By the middle of the fifteenth century, this Aztec city-state dominated by a class of non-labouring warriors, had forged an empire which not only included territories within the central Mexican basin, but had spread over the rim of the valley and to the borders of the Gulf of Mexico. By the beginning of the sixteenth century, the Aztec empire reached from Atlantic to Pacific, to Guatemala and into Nicaragua (Prescott, 1922:17-18). During the period from 1455 to 1507 Tenochtitlan gained increasing importance within the confederation. Tlalpan was always the junior partner and with the death in 1516 of the powerful ruler of the Texcocans, the Aztecs of Tenochtitlan established their dominance over Texcoco as well (Vaillant, 1962:88).

Katz (1966:173-179) has delineated three stages of development of

Aztec society. The first stage began when the Aztecs arrived in the central valley and ended about the time of the founding of the capital city in the early fourteenth century. During this stage, all land was owned communally and the Aztecs had no ruler. Decision making was largely guided by clan elders and leaders of four calpulli kinship groups. The second stage of military democracy lasted for most of the fifteenth century. As warfare became the central activity, the most valiant warriors began to set themselves apart from the rest of the people through special decorations and privileges, and from the calpulli to which the rest of the people belonged. A ruler was chosen by consultation among the clan leaders. The privileges of the warrior class at this stage were not heritable, and even though the ruler was the supreme warrior, his power was checked to some extent by the popular assembly retained its power for a while. But as the warrior elite grew in power and wealth, it began using its position to advance and protect its own interests. The warrior elite wanted the lands conquered in warfare to be divided among them instead of going to the calpulli. They succeeded not only in this design, but also in eventually establishing a somewhat hereditary right to these lands. Power during this period came to be centralised and institutionalised in the military caste (See Katz, 1966:175-176).

The decision to go to war with Atzcapotzalco was clearly made through the popular assembly, but after the defeat of Atzcapotzalco, the warrior elite gradually eroded the power of the popular assembly (Peterson, 1961:113). Decisions about war and peace came to be made with less and less consultation with the people. After the defeat of Atzcapotzalco, chroniclers mention the popular assembly less frequently. Durán, for example, does not mention any consultation with the

people over the attack on Xochimilco which occurred shortly after the Tepanec campaign (See Katz, 1966:175). Decisions about rulers also came to be made by the warrior elite. Huitzilihuitl, the ruler who came to power in 1404 was, as Durán (1964:4) notes, "...elected through the vote and by consent of everyone." The people still had some participation in the choosing of Moctezuma I (1440-1468) as ruler. They did not, however, participate in the choosing of his successor, Axayacatl (1468-1481) (Katz, 1966:177).

This gradual take over of power by the warrior elite initiated the third phase of development of Aztec society. Power came to emanate not from the people to their leaders but from the leaders to the people, and then from an entity which was represented as being separated from the people, the state. This new state society was to be characterised by increasing pressure for heritable individual property by the warrior elite which declared itself a nobility, the decline in the power of the popular assembly, ever widening social class distinctions, a state system of bureaucratic offices which eventually became heritable, and an increasingly powerful monarch. Public power emerged separated from the people in the form of a military establishment, a justice system, tax collecting, and police.

Remnants of the older social organisation remained and existed simultaneously with the new in this third phase of development. But the old tribal organisation based on communal land holding and kinship organisation was overlayed with the new structure of centralised state government with its attached bureaucratic and coercive apparatuses and a form of non-collective property (See Chavez Orozco, 1934:205-207). The traditional forms were gradually eroded by the new forms and centralised authority encroached more and more on the traditional

democratic organisational patterns. This process was cut short only by the Spanish conquest (Soustelle, 1961:37).

It is useful on an analytical level to conceptualise these periods of social development as distinct entities, but in reality they did not exist as such. The three stages of development delineated by Katz merged each into the other. And even in the third stage (which will be referred to as the later empire) the rise of the state along with the changes that radiated out from it did not immediately sweep away all that went before. On the contrary, the new state system built on the foundation of the old forms while at the same time it gradually eroded them. The calpulli division of land and traditional social organisation, for example, remained but was overlayed with the new forms of appropriation and new forms of land ownership.

The Aztec state, therefore, arose out of a complex array of circumstances - sufficient surplus production to support a non-labouring warrior class, the heritage of previous civilisations at Teotihuacan and Tula, the highly competitive social system in central Mexico, the struggle of a group of warriors who found themselves in the position to establish a state, and finally as Engels put it (referring to Germany) "directly out of the conquest of large foreign territories" (Engels, 1942:193). None of these factors alone accounted for the rise of the Aztec state, nor do they together represent the total array of determining factors - they are, however, the major contributing factors which set the context for the rise of the state in this particular social formation at this particular historical conjuncture.

The conditions which set the groundwork for the rise of the Aztec state appeared at the time compatible with the given economy and

social organisation. Particular social practices such as the development of a warrior elite, appeared as what Marx (1964:83) calls "merely innocent extensions" consistent with the given form of social organisation. They were in fact instances which combined to bring about a fundamental change in Aztec social organisation. Part of this fundamental change was a modifying of the relations of individuals to the productive process, i.e., the development in the later empire of well defined social classes.

Social Classes

During the early years of Aztec social organisation, before the founding of Tenochtitlan, members of the group had performed essentially the same functions. A small nucleus of clan elders and priests functioned as a leadership group chosen by the people largely on the basis of personal qualities and placed in a position to guide decision making (Soustelle, 1955:36-37; Payne, 1892:34). When the Aztecs settled into sedentary agriculture, however, this leadership group expanded. As warfare became a more and more important prerequisite to the survival and prosperity of the community, the great warriors became an elite. Continued wars of conquest and the inequitable distribution of the spoils of these wars, entrenched the power of this group. Inequalities in wealth and in rights to use of land and tools became an integral part of social life (Vaillant, 1962:93). Increasingly, the warrior elite came to separate itself from the traditional kinship organisations and eventually established itself as a non-labouring ruling class with a state to maintain and enforce its position.

Social classes were first explicitly mentioned in Aztec picture

writings during the reign of Itzcoatl, the Aztec ruler from 1426 to 1440 (Radin, 1920:148). After this, as Durán (1964:122) notes, there were increasing class distinctions and a growing rigidity in their enforcement during the reign of Moctezuma I (1440-1468). By the time of the reign of Moctezuma II (1502-1520) they had become institutionalised. Under Moctezuma II, for example, only those of noble birth were allowed into the palace except to perform menial tasks. Linguistically, nouns, pronouns, verbs and prepositions were affected by the rank of the person to whom they referred (Padden, 1967:38).

Social class distinctions were marked both by dress and housing. Even by the mid-fifteenth century, only lords, noblemen and chief warriors were allowed to wear sandals and the common people were forbidden by law to wear cotton clothing - only garments made of rough maguey fibres. Only noblemen and chieftans were allowed to build houses with a second story (Durán, 1964:123-131). Francisco López de Gómara (1964:156) who served as Cortés' private secretary and chaplain from 1541 to 1547 and who wrote an account of the conquest published in 1552, wrote this description of the housing in Tenochtitlan when the Spanish arrived:

Those of the king and lords and courtiers were large and fine; those of others small and miserable, without doors, without windows...

Social class inequalities were also reflected in education. By the later empire there were two different levels of schools, one for the commoner in each calpulli, designed to produce good citizens, and one attached to the temple of Mexico for the sons of the nobility to train leaders and warriors (Thompson, 1933:41-42). Widespread military conquest and trading also provided commodities with which class distinctions were marked and the market for such items generated a

group of artisans to provide the demarcating luxury items for the wealthy. The ruling class, then, composed of the monarch, the nobility, state officials and priests, presided over and increasingly set themselves apart in a number of ways from the mass of commoners.

The Monarch. When the Aztecs first came to the central valley, leadership was loosely organised and informal. As the society developed, however, this leadership structure became more rigid and power eventually came to rest with one ruler. Participation in the choice of the leaders and the ruler came to be made by a more and more restricted elite group. When, for example, the Aztecs were still under the domination of Atzcapotzalco, the Aztec ruler was elected "through the agreement on the part of the electors and all of the people" (Duran, 1964:41). As the empire developed, however, the agreement of the people became less and less important. Chavero (1886:639) traces the successive constriction in the range of political participation of the common people from rule by popular assembly, to rule by a group of nobles, to rule of a small council presided over by a monarch. The warrior elite eventually established themselves as a nobility with the right to inherited succession and sole authority for choosing the monarch from among the royal family came to rest with a group of electors who were chosen by and belonged to the upper nobility and the priesthood. Eligible males from the royal family were carefully educated to prepare them for this position, usually by distinguishing themselves as warriors.

The powers and privileges of the monarchy grew steadily over the history of the empire and reached their full height under Moctezuma II to whom everyone was subservient. When, for example, Moctezuma II came out to meet Cortés and his men when they arrived in Tenochtitlan,

those with Moctezuma followed, according to Gómara (1964:139):

...hugging the walls, their eyes down cast, for it would have been an act of great irreverence to gaze upon his face.

Bernal Díaz (1963:217), one of the conquistadors who was with Cortés and later wrote an account of the Conquest, described this same meeting. Moctezuma, he wrote, arrived in a litter and when he descended, lords who were in attendance swept the ground before him and lay down cloaks so his feet would not touch the earth. Not even these lords dared to look at Moctezuma. Díaz (1963:225) also noted that when great lords came into Moctezuma's presence in the palace they had to take off their fine clothes and put on poor ones, thus humbling themselves before him.

Moctezuma was, from all accounts, a powerful autocrat. Durán (1964:227) maintains that he demanded his orders be obeyed immediately without question or supplication. He instituted sweeping changes to consolidate the power of the monarchy and the ruling class, and decreed that many government positions, previously open to those of low birth, restricted to the nobility. Moctezuma II and his extensive household were supported by the tribute which came in from all the empire. Gómara (1964:153) estimated that Moctezuma II's palace guard alone constituted 3,000 people. Crown lands were set aside and worked specifically for the support of the palace and its inhabitants.

The Nobility. Directly below the monarch, there was a wealthy and very powerful nobility which consisted primarily of the rulers of villages, towns and cities. Some of these were Aztec nobles sent out to administer crown affairs in conquered provinces, others were former rulers of conquered territories who had made tribute



agreements with the Aztecs. At one time these leaders had been elected by the people, but by the time of Moctezuma II they were appointed or at the very least confirmed by central authority. The nobility played a major role in administering conquered provinces and cities. The provincial rulers paid no tribute themselves, but were in charge of overseeing the collection of the tribute from the people in their provinces (Soustelle, 1961:38-39). Aztec nobles were placed in some provinces as much to discourage revolts as to collect tribute (Vaillant, 1962:103).

The nobles held their titles by authority of the crown and owed varying obligations to the crown depending on the type of tenure they held. They lived part of the year in the palace and when they returned to their own lands they did so only with the permission of the king, and even so left behind a son or a brother as insurance against rebellion. In conquered territories they were granted large areas of land for their upkeep, worked by the members of the conquered populace (Gómara, 1964:154).

By the time of the Spanish Conquest, this aristocracy held vast tracts of land which were entirely separate from calpulli lands. They were the only class permitted to hold land outside of the calpulli. They therefore lived somewhat like feudal barons (Peterson, 1961:115; White, 1971:143). The lands of some of these nobles were worked by men in the position of serfs who owed their overlord a share of their crops and certain services (Chevalier, 1963:20-21). Nobles were not obliged to cultivate land in order to secure their livelihood and therefore could devote themselves to warfare and the affairs of state. Public offices were reserved for them, there were special tribunals with jurisdiction over nobles, and their sons went to special schools.

They alone were allowed to use certain distinctive marks of status and they alone were permitted several wives (Katz, 1966:139,141).

Appointed Officials. As the empire expanded the growing body of high level civil servants emerged, most from the lower ranks of the nobility. They included appointed governors of certain provinces who served largely as administrative officers. The governors gathered taxes, organised the cultivation of land for tribute, and arranged for the transport of tribute to the capital. They kept the ruler informed on the state of agriculture and commerce in their provinces, took charge of the erection of public buildings, the maintenance of roads, and sent supplies of servants to the imperial palace. In the event of famine in their regions, they notified the emperor and under his authority sometimes exempted an area from taxes and even opened the grain stores to the public if the situation was dire (Soustelle, 1961:48-49).

Judges were also an important part of the state machinery within the three confederated city-states. The judges were nominated by the sovereign and supported by lands set aside for their upkeep. They held their positions for life, and had authority over a kind of police force which theoretically could arrest anyone from slave to nobleman (Soustelle, 1961:50-51).

Priests. Alongside the official state hierarchy existed the religious hierarchy which as well was largely confined by the time of the later empire to the sons of the nobility. The uppermost rung of clergy formed a council which was consulted frequently by the emperor. The religious hierarchy and their functions were supported by the produce of lands set aside and worked by the common people for them (Katz, 1966:139).

The priests were, in the stage of tribal-communal organisation, and remained in the class society of the later empire, the chief repositories of history and learning. Their intimate knowledge of the solar calendar had made them crucial economically for the regulation of certain agricultural tasks. In the later empire they functioned as the chief ideologues of the state, directing the intellectual life of the group and devising elaborate theological explanations for Aztec imperialism (Keen, 1971:24).

The Calpullec. Since the days of tribal-communal social organisation, Aztec individuals had belonged to one of several kinship groups called calpulli. At one time extended family units or lineages, soon after the founding of Tenochtitlan the calpulli became looser units which included friends and allies (Katz, 1966:118). Traditionally the members of each calpulli elected from among their elders a leader, the calpullec, who managed group affairs, participated in the settling of disputes, and acted as a military leader. When the Aztecs took up sedentary agriculture, the calpullec's function was extended to seeing to it that land held by the calpulli was distributed to each family unit according to its needs. In the initial phases of this system the distribution of land changed as the needs of the family units changed. No man willing to work went without land, and land not cultivated was taken back into communal holding to be distributed when there was a need (Zorita, 1965:106-111). As the society developed, however, these periodic redistributions of land ceased. The calpulli became less a semi-autonomous clan and more an administrative unit (Katz, 1966:119). The state sought to undermine the authority of the calpullec and shift the focus of popular allegiance

from the calpulli to the state. This was done, however, not by abolishing the calpulli system itself or the office of calpullec, but by building a bureaucracy around it (Kurtz, 1978:176).

Soon after the founding of Tenochtitlan, the calpulli were divided into four territorial wards and a military chief was appointed over each of the four territorial groups. The military chief did not share land with other calpulli members, as did the calpullec, but was supported by the state (Soustelle, 1961:8). Gradually, the calpullec saw his former powers as judge, military leader, and administrator elected by the people, eroded. He became a sort of figurehead, a traditional focal point in the midst of a state bureaucracy. Even though the calpullec was still elected, in the later empire he was confirmed by the emperor and held this position only as long as he retained the emperor's favour. By the later empire, commoners had little chance of becoming calpulli heads (Peterson, 1961:117).

The position of calpullec remained in place as a vestige of the traditional tribal organisation while most of his real authority was undermined by an increasing battery of civil servants. Over him was the appointed military chief. Below him was a layer of officials who each oversaw from twenty to a hundred families. These officials saw to it that the families they were responsible for paid their taxes, and were organised for collective labour such as cleaning or public works (Soustelle, 1961:40-41). Even though the officials beneath the calpullec were theoretically under his control, they in fact formed part of the central state bureaucracy that was for the most part independent of the calpullec (Soustelle, 1961:41-42; Chavero, 1886 for a discussion of the reduced role of the calpullec).

While at one time the leaders of the clan groupings had

considerable power, this power gradually decreased as the Aztec ruling class gained sway (Davies, 1973:43). The warrior nobility which grew into a landed aristocracy separated itself quickly from the calpulli communal land system. From the defeat of the Tepanecs an ever increasing division came about between the common people who still lived in the traditional way, organised within the calpulli, and the ruling class, holders of property outside calpulli control. These groups - the monarchy, the nobility, the appointed officials, the priests and judges, and to some extent the calpullec, formed the ruling class in Aztec society. Merchants formed a part of this non-labouring class although they were neither nobility nor commoner. They occupied an intermediate position within the social order.

The Merchants. The name merchants bore in Aztec society meant "the men who get more than they give" (Keen, 1971:24). By the time of the later empire they formed a wealthy and increasingly important group of people. Politically powerful and frequently consulted by the monarch they were a sort of nobility in themselves (Prescott, 1922:84-86). Fray Bernardino de Sahagun, who came to New Spain in 1529 and compiled an account of ancient Indian culture based on interviews with Indian informants, referred to them as a "nobility by fantasy" (Quoted in Chapman, 1957:120).

The merchant class was of fairly late origin in Aztec society and the merchants held an ambiguous position within it, but they were extremely important to and influential within the state. However important they were to the state, though, merchants do not seem to have been universally well regarded. The description of the bad merchant recorded in the Florentine Codex⁵ was:

A bad merchant...makes people desire things -

makes them desire many things, makes them covet things...(Sahagun, 1961:43).

Gómara (1964:125) as well noted that a group of Indians warned Cortes not to trust another group because they were:

...wicked people who were not warriors, but merchants and two-faced men.

The merchants took great pains to hide their wealth and avoid open confrontation with the jealous nobility which if given the opportunity would strip them of all their wealth. Most of their wealth, therefore, was spent giving large elaborate banquets for other traders (Séjourne', 1976:152;Katz, 1966:72-73). By the later empire, however, merchants had made significant inroads into securing for themselves the privileges of the nobility. They held land outside the calpulli and sent their children to the special schools reserved for the sons of the ruling class. Moctezuma II even allowed merchants to sit at his side on important occasions (Davies, 1973:139)

The long-distance merchants, or pochteca, also by the later empire were awarded the privilege of holding land, a privilege normally reserved to the nobility (Chapman, 1957:120). The pochteca lived together in certain districts of the city, inter-married and passed on their profession from father to son. They had their own gods and their own feasts and even a separate system of law courts (Soustelle, 1961:59-65). They paid tribute in the goods with which they dealt and were exempted from labour requirements within the empire (Sanders and Price, 1968:161).

Craftsmen and Artisans. There existed in the empire a group of artisans, artists and craftsmen who were not attached to any particular calpulli or quarter of the city and who, unlike the general peasantry, performed no communal labour and paid tribute only in their

specific products or services (Keen, 1971:22). These craftsmen were most frequently involved in working raw materials secured through tribute, trade and conquest, into luxury items for the wealthy (Chapman, 1957:121). The Aztec commoner did not depend on the artisan. He made his own house, his own tools, and his own arms, and he was forbidden by law from wearing the rich clothing made by the artisans, or the gold and silver adornments. The feather workers, gold and silver-smiths, jewelers, sculpturers, tailors, painters, potters, masons, and tanners provided goods primarily for the nobility and rich warriors (Katz, 1966:47-49). They depended, in order to make these goods, on the products brought in by the pochteca (Katz, 1966:72).

Commoners: The majority of the population belonged to the common class of direct producers called maceualli. The name of this class is taken from a word meaning "to work to acquire credit," and even though it is often literally translated to mean nothing more than "the people" there was a derogatory connotation to the name (Soustelle, 1961:70). Most of these people lived a life very much like their ancestors - working their plots of land and serving as warriors when they were required to do so. The maceualtin were the backbone of the empire and it was their labour that supported the rest of the social edifice.

The maceualli who lived in one of the three confederated cities of Tenochtitlan, Texcoco, or Tlalpan, received more benefits from being part of the dominant political group than did those living in the subject towns. Their allegiance was essential to the continuation of the existing power structure. The commoner of the confederated cities worked the calpulli land to which he had a right for life, paid taxes to the state, and rendered military service when it was required. In

return he enjoyed the benefits of his position within the ruling state system, receiving food and clothing handed out by the authorities from the intake of tribute. The plebian of the provinces, however, enjoyed much less benefit from central authority. It was he who bore the brunt of supporting the social edifice. It was generally the commoners of the provinces who were called upon to fulfill larger tribute demands, labour needs for public works and even sacrificial victims (Soustelle, 1961:71).

Below these free commoners but above the slaves, was another group of people who were not formally citizens. They paid no taxes and were not called upon for communal labour services. These were the people who for one reason or another belonged to no calpulli and had no land. They were sometimes people displaced by wars, or those who had had to leave their tribes, or those whose land was given to someone else after a conquest. They agreed, in exchange for occupying a parcel of land, to provide a noble with part of their harvest or service of some sort. Even though these tenants were attached to the noble and not strictly speaking, citizens, they were subject to military duty and to the Aztec legal system. They were, therefore, not totally given up to the authority of the individual noble (Soustelle, 1961:70-73).

The Slaves. On the lowest rung of the social hierarchy were the slaves, or tlacotli, who worked for others and received no pay. Male slaves worked as farm labourers, domestic servants, or porters; female slaves spun, wove, sewed or served as concubines. Slaves were housed, clothed and fed in return for their services. Even though slavery as an institution existed in Aztec Mexico, it was never chattel slavery in which the master owned the slave as a piece of

property, as an object. Slaves were not citizens, but within the society they did have certain rights and there were laws protecting them from abuse. No master in Aztec society had life and death power over a slave (Chevalier, 1963:22). Slaves could marry, own goods, and even own slaves of their own. The children of slaves were born free.

Social Mobility. Even though social classes became more defined and inequalities in wealth and power increased, in the beginning phases of the development of the Aztec state system, there was nothing static about the social hierarchy. Military service provided the key to social advancement and all the men in the society either were or wanted to be warriors. Almost any man, no matter how lowly his birth could achieve renown for himself and a comfortable life through military glory (Soustelle, 1961:42-45). There are indications, however, that this situation was well on the way to changing by the early sixteenth century. With the assumption of power in 1502 of Moctezuma II, an end came to the sort of military meritocracy that had existed previously and there was a move toward the establishment of an absolute monarchy and an exclusive nobility. Whereas previously, any man no matter how humble his origins, if shown successful in war, could become wealthy and a respected member of the ruling elite, under Moctezuma II entrance into the nobility was restricted. Noble breeding instead of capability became the prerequisite to membership into the nobility (Davies, 1973:215-216).

Moctezuma II decreed that all those holding office in the capital and in the provinces under his predecessor be replaced because many of them were of low birth (Davies, 1973:214). Moctezuma II believed in an almost divine right of the nobility to rule. He is said

to have remarked:

...just as precious stones appear out of place among poor and wretched ones, so those of royal blood seem ill-assorted among people of low extraction (Davies, 1973:215).

Moctezuma II had his inherited palace staff replaced by the sons of the nobility, and decreed that only a very pure form of Nahuatl language be spoken in his presence (Davies, 1973:215).

By the later empire social class distinctions were entrenched. The egalitarian days when every man performed essentially the same functions - warrior and farmer, were gone. Gone also were the days when leaders were elected or nominated from within the clan group. With the rise and development of the Aztec state, power began to flow from above, not below (Soustelle, 1955:39).

The Economic Bases of Aztec Society

The Aztec economy of the later empire can best be described as a centrally administered storage economy, somewhat like those of ancient Egypt and Mesopotamia. Most individuals engaged in agricultural production on their own land and on land set aside to be worked for the state. The Aztec state organised appropriation of the agricultural surplus produced by this labour and distributed it to support the ruling class and to meet the expenses of ceremonial display, state administration and warfare. This economic arrangement was a logical extension of the organisation of the calpulli system. Formally, individual family units worked their own plots of land for subsistence. They also worked communally a plot of land the produce from which was designated to support the needs of the calpulli over and beyond the needs of individual family units. Part of the produce, for

example, was used to support the calpullec who was then free to spend his time seeing after the general affairs of the calpulli. The economic system of the later state society only extended this concept and added to it the element of force. Since people were already used to working communal lands for the support of a wider social need, it was a logical transition to extend this 'wider social need' to include the state along with its projects, wars, and functionaries. The awarding of surplus to this new 'wider society', however, came to be determined not by the people but by the ruling class, and force was one of the methods which ensured that the demands of the new state system were met.

Superimposed, therefore, on the structure of tribal agricultural organisation which had characterised the social order when production had been geared toward communal subsistence, was a state system designed to channel surplus to the top of the social hierarchy. Most of this surplus came in the form of obligatory tribute, but also some came through obligatory trade. Long-distance trade was just beginning to become an important feature of the Aztec economic system. In the later empire it was dominated by the state and largely directed towards providing goods not for the common people but for the ruling class. There were, therefore, three bases of the Aztec economic system - agriculture, tribute and trade.

Agriculture. The societies of ancient Egypt and Mesopotamia grew up around rivers; the societies of the central Mexican valley centred around a lake system. Complex social organisation, however, developed in each area for much the same reasons. Before the widespread use of iron tools for cultivation, agriculture could best be practiced in loose, sandy soil that could be irrigated. Access to water presented

a potential for the development of a highly productive agriculture, and the organisation of irrigation projects required collective efforts and the establishment of an authority structure which transcended the priest-centred organisation of the tribe. In addition, increased agricultural productivity brought about by irrigation made available a surplus which could be appropriated and used to support individuals who did no manual labour and could devote their energies to administration. Hence, in all three areas the environment presented a potential for the development of the state and a differentiated social structure (Viljoen, 1974:1-14). The ecological potential of the particular region, however, had to be taken advantage of. Aztec ascendancy was due partly to the ecological characteristics of the central valley itself, and partly to the highly successful exploitation by the Aztecs of natural advantages present.

The agricultural techniques practised in the central valley were, for the most part, rudimentary. Almost all agricultural utensils were either wood or stone, and the digging stick and the stone axe were the most prevalent tools (Katz, 1966:27). The wheel, though known of, was used only as a toy. There were no metal ploughs, and no draught animals (Peterson, 1961:179). Given these conditions, the production of an agricultural surplus sufficient to support a state, an extensive ruling class and almost continual warfare testifies to the remarkable natural advantages of the area and the ingenuity of the people.

The land of the central plateau was extremely fertile. Katz (1969:29) has pointed out that a family of three in parts of MesoAmerica such as the central plateau could, even without irrigation, produce in 120 days a year, twice the maize needed to survive. The lake system

provided a source of protein, the possibility of easy irrigation, and a mode of transportation crucial in an area where there were no draught animals. The Aztecs, on an island in the centre of this lake system, were in a position to make maximum use of these natural advantages.

Agriculture, especially artificial agriculture, required water and water played a central role in Aztec urban development. The waterways of the city provided a transportation network for goods, continuous irrigation, and a method of disposing of waste material. It was crucially important as a means of transportation in a civilisation that did not use the wheel or beasts or burden. The lake system fostered a certain degree of integration in the area, a facility which allowed the exchange of goods and therefore the possibility of economic specialisation (Katz, 1969:130).

In addition to the natural ecological advantages of the central plateau, the Aztecs developed their own means of further exploiting the environment. Probably the most important agricultural development was their use of the productive floating garden, the chinampa, richly fertilised by the mud and vegetation of the lake bottom and constantly fed by the lake's water supply. The chinampas, combined with the use of seed beds, shortened the growing season to such an extent it allowed a continuous succession of crops in one year (Sanders and Price, 1968:148). And, as was noted, chinampa agriculture required less land than the traditional slash and burn agriculture, or two-field cultivation (Wolf, 1959:74).⁶

The chinampas, however, could only be fully utilised if they were protected from periodic flooding. The primary threat to agricultural production came when heavy rainfall brought about a rise in the level of the salt-water of Lake Texcoco which then overran the fresh water

lakes. In order to counter this, the Aztecs constructed a sophisticated system of dams and dykes which protected fresh water cultivation (Katz, 1969:130).

The additional productivity brought about by the chinampas and the intensive cultivation of the surrounding hills and mountains, permitted the very high population density in the central valley (Vaillant, 1962:102), and the surplus necessary to support a state and an urban ruling class (See Helms, 1975 and Sanders and Price, 1968 for a discussion of the ecological bases of MesoAmerican civilisation). This partially explains the historical dominance of the central plateau over much of the rest of the country (Katz, 1966:24).

The organisation of agriculture was primarily centred around a communal land holding system which was the characteristic social unit from the early days of tribal organisation. At the time of the founding of the Aztec capital, land was held by these clan groupings which distributed the land among its members according to need. Individuals, however, did not own land; it belonged to the calpulli and could not be disposed of by the individual. What the individual had were rights to the produce from the land, and nothing more (Katz, 1969:138-141).

At one time this calpulli land system was the primary form of land holding. With the take over of Atzpotzalco and the attached Tepanec kingdom, however, the individual holding of land by the nobility increased greatly and grew more prevalent with the development and expansion of the empire. That this individual use of land emerged and originated after the defeat of Atzcapotzalco is attested to by numerous chroniclers (See Katz, 1966:33,37).

The exact proportion of individually in relation to collectively held land at any point of development of the society is a matter of

controversy (See Katz, 1969:29). However, by the time of the Spanish Conquest the Aztec ruler and the nobility held extensive lands of their own which were worked either by people tied to the land as tenants or by freemen who paid tribute by their labour. The ruler awarded land to successful warriors which was held on a life tenure, but which was, at least in theory, still at the ruler's disposal. The state itself controlled various other categories of land dedicated to such things as the upkeep of temples and the expenses of war (Katz, 1966:40-42). Even considering these other forms of land holding, however, the communal land system, organised around the calpulli, formed the basic productive foundation of the economy (Davies, 1973:79).

By the time of the later empire, the calpulli system had changed fundamentally from its original form in tribal society and had become more an administrative and geographical unit rather than a kinship unit (Thompson, 1933:105). Calpulli land ceased being redistributed periodically as the needs of the calpulli family units changed, and grants of land held by individuals came to be passed onto their heirs. This change was another 'innocent extension' and was a significant step away from communal land distribution and towards the private holding of land (Katz, 1966:183). The more permanent land allotments produced inequalities over time because of differential fertility of the soil, access to water, and other factors. It also brought about a situation in which increasingly families relied on themselves as a unit of production and support rather than the calpulli group (See Chavero, 1886:612).

Tribute. When the Aztecs first came to the central valley most of the land surrounding the central lake system was already controlled

by several powerful Indian groups, each with their various tributary provinces. These societies were already organised along the lines of appropriating surplus through forced tribute extraction that the Aztecs were to adopt and refine to a remarkable extent. In the beginning the Aztecs took their place among the other tribute paying tribes, but by the time of the Spanish conquest some sixty semi-autonomous tributary states within the valley were paying tribute to one of the three major powers of the Aztec Triple Alliance - Texcoco, Tenochtitlan, or Tlalpan (Helms, 1975:101). Outside the valley, tribute flowed in from thirty-eight provinces (Soustelle, 1961:xxi). By 1519, therefore, most of central Mexico was paying tribute to the Aztecs.

An estimated 52,000 tons of food poured into the Aztec capital each year as tribute along with other items such as torquiose masks and two live eagles (Davies, 1973:120). All this tribute had to be brought to Tenochtitlan on the backs of men or in canoes and was duly received and recorded by officials in picture writing (Gómara, 1964:155). Even though gold and precious metals existed they were mainly used for decoration rather than as money. The cacao bean was used to balance out small inequalities in exchange, but cacao beans were quickly perishable and therefore not really a durable or satisfactory form of coinage.

Tribute consisted mainly of foodstuffs, some manufactured, or craft goods, luxury items, labour, slaves and war supplies. Durán (1964:129-131) described the tribute flowing in from the provinces as including precious metals and stones, cacao, cotton, cloth, clothing, live birds and animals, snakes, seafood and shells, dyes, gourds, mats, maize and beans, chilli, seeds, firewood, charcoal, building materials, rodents, deer and rabbits, fruit, flowers, cotton armour,

bows and arrows, flints and honey. If a province lacked acceptable products, they often were required to pay in slaves.

The tribute from all the empire served a number of purposes. It maintained the ruler and his extensive household; it met the costs of state administration and war; and also it provided the stuff of the elaborate displays of wealth and power designed to impress friend and foe alike (Davies, 1973:112). The products secured through tribute were very rarely fed back into the economic process. They were by and large used for political purposes, elaborate displays which were intended to advance the political and social position of an individual in relation to other individuals, or the group in relation to other groups. For within this form of social organisation, the object of individuals was to accumulate not wealth for wealth's sake, but wealth for the sake of advancing political position (Wolf, 1982:84). The goods secured through tribute which were used by the ruler to trade for desired products of other regions is an example of the reinvestment of products within the economy, but this practice was limited in scope. The goods secured through tribute were primarily intended for use rather than for exchange (Katz, 1966:66).

Within the three confederated cities this tribute system was an integral part of social life. The identification with the state and the benefits of being associated with the dominant polity were greater for the producer within the city-state than for the producer in the outlying provinces. For the producer of the city-state there were various kin and religious ties which bound him within this group. The continuance of the far-flung empire depended on the solidarity of the peoples of the empire cities, and the ruling class was careful not to alienate its own labouring class. Tribute demands for those who were

citizens of the empire were evidently more or less reasonable. The Spanish lawyer, Alonso de Zorita, whose account of Indian life was written between 1566 and 1570, maintains that the tribute contributed by each man within the empire was comparatively small, but taken together, the contributions of so many individuals amounted to a great deal for the rulers. Certain inform or disadvantaged, such as widows or the disabled, were exempt from tribute entirely and in hard times, such as when crops failed, tribute was not demanded at all (Zorita, 1965:113,194). The ruler opened grain stores to the public when there was a danger of the cities being depopulated. In 1454, for example, when there was a great famine, Moctezuma I, even had maize transported into the city from other parts of the empire. During this time it was legally prohibited to transport maize to other regions.

In the conquered territories, however, the situation was quite different. Tribute was imposed from outside and the benefits of being a part of the empire were much less. There was always, therefore, among the people of the outlying provinces an element of resentment and the potential for revolt. By the time of the later empire only a small portion of the population of Tenochtitlan was engaged in agriculture. Most of the people of the city performed administrative, commercial, ecclesiastical, military, or craft activities (Kurtz, 1978:172). So it was usually the commoner of the outlying provinces that bore the greatest load in supplying tribute, slaves, and sacrificial victims. In some larger outlying cities, especially in the later empire, garrisons were established to prevent uprisings and to ensure tribute payments (Prescott, 1922:29). Indian manuscripts show records of various uprisings where cities attempted to re-establish

their independence and shake off their tribute burdens (Soustelle, 1961: xxii). Continued tribute flow to the centre, however, was imperative to the survival of the city-state (Vaillant, 1962:169). By the middle of the fifteenth century, Texcoco and Tenochtitlan had grown to such an extent they were dependent on the additional supplies secured through conquest and subsequent tribute.

Trade. As the empire developed, trade became an increasingly important aspect of the Aztec economic system. Local trade had long formed an important part of village life in Mexico. In almost every town and village the local market was the focus of social and economic life. This was especially the case in the cities of the central valley. The importance of these markets is well illustrated in the frequency of market encounters. In central Mexico, for example, there were daily markets, whereas in the cities of the Gulf Coast markets were held only every twenty days (Sanders and Price, 1968:161; Gómara, 1964:160). The people of Tlatelolco (the sister city of Tenochtitlan) had long been known for their devotion to trade. After Tlatelolco was annexed under the rule of Tenochtitlan, it became the chief business centre of the empire (Soustelle, 1955:26). The vast market of Tlatelolco was one of the most impressive sights the Spanish saw when they first arrived in the Aztec capital. Cortés (1971:103) described this market in a letter to Charles V:

This city has many squares where trading is done and markets are held continuously. There is also one square twice as big as that of Salamanca ...where more than sixty thousand people come each day to buy and sell...

The importance the Aztecs attached to this central market is illustrated in its meticulous organisation. The market was divided

into sections reserved only for particular types of merchandise. Each vendor in the market paid a certain fee to the ruler for the right to sell and for protection. Officials patrolled the market and kept strict order. They checked weights to make sure they were fair and if any weights were found to be giving short measure they were broken and their owners fined. The commission of any offense in the marketplace was considered very serious and often met with immediate punishment. There was even a court at the marketplace where judges sat daily to hear cases (Gómara, 1964:163; Peterson, 1961:178).

The existence and centrality of a market such as the one in Tlatelolco reflects certain economic conditions such as a high degree of surplus and specialisation of production. But the market also had the potential of perpetuating and accentuating these social conditions. Certain conditions had to exist in order for such a market to develop, but the very existence of the market held the potential to promote production for exchange, specialisation of production and commodity relations. But the market was relatively undeveloped. Even though the market is the place where production, trade, and money come together, and a fairly complex set of interactions between these elements is possible even in social formations in which the market and the economic sphere of commodity production for exchange it represents are not dominant in the social formation (See Pearson, 1957: 7-9).

The significance of market trade lies in the changes it starts to bring about in production. Even though a major part of the production in Aztec Mexico was still production for use of individual family groups, extensive market trade is evidence of the beginnings

of a process of production specifically intended for exchange, is another of what Marx refers to as seemingly 'innocent extensions.' Its real significance lies in its potential to feed back into the social system and bring about fundamental change, to accentuate commodity production to the extent that in combination with other factors, the fundamental mode of production of the society changes. Market trade and commodity relations had not developed in central Mexico to the extent that they were replacing or even seriously challenging production for use. However, extensive market activity, well developed in the central cities of the Triple Alliance, indicates the beginning of such a process of production. Both production for exchange and production for use, therefore existed simultaneously with the bulk of production still intended for use (See Collier, 1982:4).

The development of extensive long-distance trade, trade between the central plateau and the lowlands is also a further indication of the growing complexity of Aztec economic life. This long-distance trade, however, was a separate activity from the local market complex and its personnel composed a separate social group, the *pochteca*. Very seldom did the products procured through this trade reach the local markets or the common people. The goods secured through long-distance trade were, by and large, luxury items destined to fulfill the desires of the ruling elite (Chapman, 1957:115).

Long-distance trade, even in social formations characterised by other modes of production, for example the feudal mode of production, most commonly begins as a trade in precosities for the very wealthy. Partly because of the difficulty and expense of transport, items secured through long-distance trade must be small and very valuable

(Davies, 1973:137). It is only after other elements in the social formation have developed, for example efficient modes of transport and stable currency, that long-distance trade becomes a viable method of providing commodities for the mass of people and therefore integrates regions within an interdependent economic system. In central Mexico this process of economic integration had only just begun, forged largely by the activity of the Aztec state. But even at this early stage of development, the economic interrelationships of particular regions within Mexico were being transformed through Aztec political domination. Markets, for example, were already beginning to develop some degree of specialisation. Some like Cholula were specialising in manufactured products such as feather work or precious stones. Texcoco was known for its textiles and fine earthenware (Keen, 1971:20). These city markets, therefore, had already begun producing explicitly for export (Katz, 1966:62). The specialisation of regions in terms of production for exchange is the beginning of a process which can increasingly interlock regions into economic relations.

The exchange of goods between the plateau and the lowlands was thousands of years old in MesoAmerica, but the nature of this trade and its socio-political implications changed radically when the people of the central plateau had political control over the lowlands or of the trading routes leading to it. With this control, trade ceased to be an exchange of goods by mutual agreement and came to be trade conducted under coerced conditions for the benefit of the controlling plateau group. With the rise to dominance of the Aztec state, this meant trade conducted for the benefit of the Aztec ruling class.

Aztec traders most frequently imported raw materials from the outlying regions - feathers, precious and semi-precious stones, cacao, gold and animal skins. The main exports were manufactured items, garments and ornaments (Chapman, 1957:126-127). The plateau possessed virtually no raw materials unavailable to the peoples of the lowlands, and therefore, in order to secure desired raw materials the Aztecs forced outlying regions to provide raw materials in exchange for manufactured goods or largely worthless plateau 'delicacies.' Katz (1969: 213) maintains that the latter tactic was more often chosen than the former. The people of Soconusco, for example, grew so tired of trading cacao, gold, feathers and precious stones for cakes made of worms, cheeses of lagoon weeds, or simple toys and devices of little value, they finally resisted through force (Davies, 1973:137).

Long-distance trade, therefore, was not simply an extension of local market trading activity. Long-distance trade was not the random undertaking of individuals, but a highly coordinated, directed and structured activity (Chapman, 1957:115). Chapman (1957:119-120) illustrates well the separateness of the local market system from long-distance trade in a discussion about the effects of the conquest on trading patterns. The Spaniards had no use for the products secured through Aztec long-distance trade. They did, however, need the products of the local markets - food and supplies to sustain them. The fact that long-distance trade virtually disintegrated shortly after the conquest without substantially affecting local market activity is testimony of the independence of the two.

The state encouraged and protected commercial activity, but also controlled and curtailed it when it became too strong. As Wolf (1982: 84) notes, there is an inherent conflict between free commerce of the

merchant traders and the tribute based state. The drawing of products and services into commodity exchange can seriously weaken the command over these products and services into tribute. Given too much latitude it can render the tributary overlords dependent on the merchants. So, in tribute based societies, the state must ensure that merchants, in Wolf's words:

...'keep their proper place' by subjecting them to political supervision or to enforced partnerships with overlords...

The position of the merchants, therefore, is always defined politically and made dependent on its relation to the state. The effectiveness with which the Aztec state imposed restrictions on trade with opposing groups, the Tlaxcalans for example, illustrates the control the state maintained over trading. When the Spanish arrived in central Mexico, the Tlaxcalans had been effectively denied salt and cotton for many years due to the enmity of the Aztecs (Gómara, 1964: 115).

The Aztec state conducted a sort of monopolistic commerce and acted as the chief entrepreneurs in central Mexico. Davies (1973:138) summarises the situation:

...the Aztec rulers, after imposing enormous tribute by armed force, took advantage of their military superiority to procure special conditions for their own traders; they thus exchanged these forced levies for even greater quantities of goods, for the ruler's own benefit.

Long-distance trade was, however, limited in terms of its development by other factors. Widespread long distance exchange of commodities was severely limited, for example, by the lack of a form of non-perishable commodity money. There were certain items such as cacao beans, quills filled with gold and small copper axes which were

used as money, but these most frequently were only used to balance out small inequalities of exchange (Díaz, 1963:233). The cacao bean had the most widespread use. There was even a form of counterfeit cacao bean. The value of the cacao bean was that it would be ground to make a highly prized beverage. Counterfeit beans were made by drilling small holes in the bean, extracting the insides and then filling the bean with earth (Chapman, 1957:127). Gold and silver formed part of the tribute of certain regions, and the raw materials secured by trade as a means of trade. Most transactions, especially those of the pochteca, were conducted through barter and money as a means of exchange was largely a local market phenomenon (Chapman, 1957:128). Gomara (1964:163) maintains that even in the main market in Tenochtitlan, barter was the most frequent form of exchange.

The use of these items as a form of balancing out inequalities of exchange indicates a certain level of development of Aztec economic life, and there is no reason why a more viable form of commodity money should have not come into being. It is impossible to tell whether or not the disadvantages of the cacao bean would have, given further social development, been perceived and a coinage developed. But the Spanish intervention cut short indigenous development and makes the question impossible to answer on any level other than speculation.

Long-distance trade, however, even given the limitations imposed on it by state control and the lack of commodity money, developed to an impressive extent. Rather than being a function of the nobility, as was the case in less stratified societies such as the Maya, long-distance trade in Aztec society was the purview of a specialised class of traders (Sanders and Price, 1968:161). The pochteca were not sedentary merchants, but long-distance travelers who secured goods from

far beyond the rim of the valley. In addition to selling goods they acted as bankers of a sort, making loans of food and articles in return for pledges of land and other possessions. They took advantage of famines to acquire land and slaves from their less fortunate neighbours (Keen, 1971:24). The fact that long-distance trade both required and supported a separate class to deal with it, testifies to its importance within the social formation.

Even within this specialised class, there were specialised functions. Top ranking traders, evidently appointed by the ruler and the older *pochteca*, acted as entrepreneurs. They commissioned expeditions of outgoing traders to sell their goods and shared in the returns. Another class of traders which enjoyed high status were the slave traders. The king's traders dealt specifically with the ruler's goods. The ruler sent merchants out with the manufactured tribute of one province to be traded for the raw materials of another. Davies (1973: 136), for example, mentions an occasion shown in the Florentine Codex where a ruler had 1600 cotton capes, the produce of received tribute, traded for luxuries in another region. The trader spies dealt not in luxury items, but in common goods such as knives, combs, or flint. They joined traders in the local markets of targeted regions and relayed the information they gathered back to the crown (See Chapman, 1957:123-124 for a more detailed description of types of traders).

The importance of the *pochteca* to the state, therefore, was three-fold. First, they secured desired raw materials from the lowlands which were unavailable in the central plateau. Second, while traders dealt primarily in their own merchandise they also on some major expeditions carried out transactions on behalf of the ruler.

Third, merchants familiar with the languages of other peoples, and masters of disguise, served as a sort of intelligence service to the state, relating detailed information on geography and political climate which formed the basis of further conquests (Vaillant, 1962:181). Merchants also paid high taxes and made valuable gifts to the ruler (Katz, 1966:71). The military function of the merchants became so important that it is suggested (See Davies, 1973:132) that the primary reason for Tenochtitlan's take over of the sister city of Tlatelolco was to bring Tlatelolco's extensive network of long-distance merchants under central control and direction. The merchants formed an integral cog in the state machine.

Trade was, therefore, inextricably linked with warfare. Where the traders went, the soldiers followed. Like the Spaniards who came after them, the Aztecs maintained that trade with other regions on their terms, was a natural right and any interference a logical pretext for war. The merchants were protected by Aztec force of arms and any attack on them was considered justification for warfare (See Davies, 1973:100). In unconquered areas not paying tribute to the Aztecs there were neutral places called ports of trade, kept purposefully peaceful by the major Indian groups so trade could be conducted. Gómara (1964:156), for example, mentions that even in areas conquered by the Aztecs the trade conducted with them was still very important to Moctezuma II.

Summary

It is obvious from the preceding discussion that Aztec society had progressed well beyond the stage of tribal communalism which characterised the social formation when the Aztecs first came into the

central valley and well beyond the stage of military democracy described by Morgan. By the time of the later empire, distinct social classes had emerged - a non-labouring ruling class composed of the monarch, nobles, appointed officials, and priests, and a labouring class made up largely of peasant producers. A state had emerged to serve as a mechanism for containing the antagonisms that the division of people into classes engendered, and to institutionalise and enforce existing economic arrangements whereby the ruling class lived off the appropriated surplus production of the labouring class. The Aztec ruling class, through the state, organised the appropriation of surplus production and its distribution, and enforced a situation wherein the labouring class was held in subordination.

The Aztec ruling class secured and maintained its existence largely through the appropriation of the surplus production of individual peasant producers who still held the means of production, the land. But as the economic and political power of the state increased, the ruling class was gradually able to appropriate not just the surplus production from the producers working on their tribal lands, but to an increasing extent, land itself. Within the city-state more and more land was taken out of the calpulli system and designated as public, or state land. Citizens were required to work this land as part of their obligation to the state. The produce from this land went to support the state and its activities. Outside the city-state large tracts of land were appropriated after military conquests. Some of this land was designated as public land to be worked communally by the people of the region for the support of the Aztec state. Other land was given to the nobility and production from this land

went toward the individual noble's support. In some instances the land of the nobility was worked by the people of the region, communally. In other instances the people occupying the land before the Aztecs took it over, remained and worked as tenants, paying a sort of rent to the noble for their occupancy. Those who could not meet their obligations to the state might be made slaves, and therefore, slavery expanded as a form of labour. The primary form of appropriation, therefore, was tribute in kind collected from independent peasant producers. Other labour forms and therefore means of appropriation emerged. They existed simultaneously with but subordinate to the primary labour form which remained throughout the history of the empire the independent peasant producer.

The foregoing discussion of the Aztec socio-economic system makes apparent the particular ways in which the ancient mode of production characterised this later stage of development of the Aztec social formation. A ruling class as possessors of the dominant state organised the appropriation of surplus production largely from independent peasant producers and distributed it in politically determined ways. The state determined the set of tribute requirements, designated land as public, awarded land to individual nobles, distributed the spoils of conquest, and determined access to important state positions such as those of governor or tax collector. Rights and obligations of producers and non-producers were politically negotiated. Struggles about access to the means of production and distribution of surplus were conducted within the political level.

The centrality of the political level at this stage of the development of the Aztec social formation informs the following discussion

of organised violence within that society. In order for the Aztec ruling class to maintain its position of dominance, its position as the receivers of surplus production, it had to ensure that that state continued in a dominant position in relation to its own producing class and the producers of the surrounding conquered Indian groups. In the following sections the ways in which four forms of organised state violence - warfare, forced labour, legal sanctions and human sacrifice - functioned within Aztec society to maintain the particular set of existing economic arrangements favourable to the ruling class will be discussed.

CHAPTER III

WARFARE IN AZTEC MEXICO

There are, as Marx notes, various pathways out of the stage of tribal communism. The particular pathway followed by any one social formation depends on a number of factors - "various external, climatic, geographical, physical, etc., conditions as well as on their special natural make-up - their tribal character" (Marx, 1964:68). The path Aztec society was to follow was shaped by many factors, but the competitive environment in the central valley and the subsequent centrality of warfare in the region was one of the most important.

The Aztecs had been forced to assume a military role since their entrance into the central valley, serving as mercenaries to the competing Indian groups which had already established themselves in the region. Once the Aztecs had taken up sedentary agriculture, the defense of their land from these competing groups became essential. In such circumstances, as Marx points out, warfare becomes production - the great communal labour which consumes the energies and the minds of the people. Warfare becomes:

...the great all-embracing task, the great communal labour, and it is required either for the occupation of the objective conditions for living existence or for the protection and perpetuation of such occupation. The community, consisting of kinship groups, is therefore in the first instance organised on military lines, as a warlike, military force, and this is one of the conditions of its existence as a proprietor (Marx, 1964:71-72).

But what began in Aztec society as a communal endeavour, gradually became the function of a specialised warrior group. Whereas at one time men had all worked the land and contributed their energies as warriors when required, as Aztec society developed, the support of a group of men who spent more and more of their time occupied in warfare became central to the continued existence of the community. Over time this warrior group gained in importance for in the competitive environment of the central valley, Aztec survival and prosperity came to depend on the competence of Aztec warriors (See Payne, 1892: 1-4). The rise of a specialist warrior group represented a significant departure from traditional tribal organisation - a beginning of a division of labour within Aztec society and a beginning of the breakdown of what Durkheim described as 'mechanical solidarity.' The rise of the warrior elite was an 'innocent extension,' a preshadowing of a social system in which the specialisation or division of labour was to be characteristic. It was to be one of the beginnings of an interdependence among members of the society based on specialised function, or what Durkheim calls 'organic solidarity!' (See Durkheim, 1933).

The various external factors existing in the central valley which set up the competitive militaristic climate, led to the importance of the warrior group, but the warriors themselves took advantage of the position they found themselves in. The external conditions, therefore, made possible a struggle for power on the part of the warrior elite. The events preceding and following the Tepanec war demonstrate just how powerful this warrior group had become and just how prepared they were to use their position to further

their interests. Not only were the warriors able to persuade the rest of the Aztec people to go to war with the Tepanecs, they were also able in the aftermath to keep most of the conquered lands for themselves. In doing so they set in motion what was to be a fundamental change in the structure of Aztec society.

The distribution of the conquered Tepanec lands to the warrior elite instead of to the kinship groups, was a crucial move in establishing the warrior elite as a ruling class, economically as well as politically set apart from the rest of the people. The newly conquered Tepanec lands composed the economic foundation on which the new warrior ruling class was to base its position of dominance. From this point onward, the warrior elite was no longer totally dependent for its support on the surplus product awarded to it by the members of the Aztec community. The warrior elite, after the Tepanec war, had land and a labour force outside the Aztec calpulli structure and the produce from these conquered lands came to the warrior elite independently of the decisions of the Aztec populace (Padden, 1967:17).

This change gave the warrior elite a certain degree of economic and therefore political independence from the Aztec populace. So, using their previously established power as a warrior elite and their new and expanding position of economic power gained through possession of the Tepanec lands, the warrior elite won the struggle for control of Aztec society. They took more and more control over decision making. Popular democracy declined and the elite established a state designed to organise its affairs - to enforce the changed set of economic relations, to manage the antagonisms brought about by these changed relations, and to present the new relations as in the interests of the society as a whole.

The taking of the Tepanec lands by the warrior elite represented a fundamental change in the method of distribution of the means of production, the land. Traditionally land had been held communally, divided among the calpulli, and then distributed to family units within the calpulli. After the Tepanec war, however, the community as a whole did not participate in the decision about land distribution. The decisions about the distribution of newly conquered land were made by the warrior elite. A special group, therefore, made the decisions about land distribution and this group acted in its own interests to distribute land among the members of the warrior group. This crucial event set the pattern for an increasing take over by the ruling class of decision making about the distribution of the means of production outside the city-state. Land came to be appropriated through warfare by a political entity, the state, and distributed in politically determined ways according to the position an individual held in relation to the state (ruler, judge, priest, valued warrior).

Even within the city-state, as the empire developed, more and more land was taken out of calpulli control and designated as state land. The produce from these lands went to support the state, its functionaries, and its activities. Increasingly the new warrior elite, the possessors of the state, made the decisions about the distribution of surplus product within the without the city-state. Over time the decision about the amount of surplus awarded to support the elite was taken out of the hands of the people. No longer did the Aztec people freely give part of their produce to the warriors, but instead a new ruling class through the state demanded this produce and the apparatuses of the state - the legal system and the army, for example - enforced these demands.

Decisions about war and peace, as well, came to be made not by the people through the popular assembly but by the ruling class. And warfare came to be conducted not solely for the defense of territory or for the common good, but to maintain and advance the interests of the ruling class and its domination of surrounding areas. Warfare became organised violence primarily controlled and conducted for the benefit of the ruling class.

That warfare was conducted primarily to benefit the Aztec ruling class is evident. The tribute from conquered provinces, the land taken over, and the products secured through subsequent trade agreements went primarily to the ruling class. The rewards were enormous. Conquests meant increased tribute sent back to Tenochtitlan, land and labour awarded to the state and the Aztec nobility and, as trade became more and more important, conquests also meant lucrative trade agreements. The tribute in goods from conquered provinces included foodstuffs such as maize and chilli peppers, manufactured products such as mantles and blankets, and certain raw materials such as stone, cotton, and cacao beans. Labourers and slaves and sacrificial victims were also at times part of tribute payments. The vast amount of foodstuffs that poured into the state in Tenochtitlan went primarily to feed the monarch and his extensive household, and for the monarch's elaborate entertaining. Manufactured products were distributed within the royal household and also given to the nobility.

Many of these articles received in tribute functioned directly to delineate class distinctions. Cotton, for example, which was not grown in the central valley was secured from the lowlands and only the nobility were allowed to wear cotton clothing. The commoners were

required to wear coarse clothing made of maguey fibres (Durán, 1964: 131-132). Other items such as rare foods functioned indirectly to mark the distinction between noble and commoner. Rare feathers, masks, and elaborate costumes received by the state as tribute, were awarded to warriors as a sign of military rank and distinctions, and thereby, as well, went to support a system of power and differentiation.

The goods and labour secured through tribute, therefore, provided the economic basis for the support of the state. Every conquest of an outlying province increased the flow of goods and labourers to Tenochtitlan and therefore the economic and political power of the state. The land awarded to the nobility in conquered provinces provided the ruling class with further economic power. Warfare, then, was essential in order to secure the economic basis of support for the nobility and the state.

The acquisition of empire was not only interlinked with the economic interests of the ruling class through tribute, but through trade and commerce as well (Davies, 1973:107). Any refusal to trade with the Aztecs or any interference in trade was considered tantamount to a declaration of war. As the empire developed trade agreements increasingly became a part of settlements with conquered provinces. The people of Tepeaca, for example, during the reign of Moctezuma I (1440-1468) refused to trade with the Aztecs and killed the traders sent out to them. The Aztecs responded by sending an army to conquer the region. When the war was won Tepeaca became a vassal territory. The Indians of Tepeaca were assigned a tribute of maize, chilli, salt, pumpkin seeds, cloth, sandals, palm leaf mats and deer-skins. They were also required to provide labourers to act as carriers

on the roads, workmen to assist with building, and promises to have their men set up huts and tents in the event that the Aztecs wanted to fight a war in the region at some future date. But also part of the Tepeaca war settlement was that they were to take special care of travellers and traders. It was ordered that a great market be built in Tepeaca so merchants could trade there on a particular day (Duran, 1964:99-105). The Tepeaca Indians were instructed by the Aztecs to receive well all traders and merchants:

...since these are the ones who enrich and ennoble the earth. They feed the poor, they maintain villages, and should anyone mistreat them or harm them you will notify us so that they may be punished (Durán, 1964:102).

Trade, therefore, as well as tribute were intimately linked to conquests, and where the traders went the army soon followed. The traders were an integral cog in the state machine. Some traders carried on transactions exclusively for the ruler, others traded semi-independently although even they at times secured raw materials or manufactured goods by trading in the resources the crown received in tribute. Dealing in common goods rather than luxury items, these traders were able to blend easily into local markets. They were able to travel without attracting great notice and frequently spoke the language of other Indian groups. They gleaned much useful information about the political climate and the geography of outlying regions. Trade was extremely important to the state, politically and economically, and warfare secured trading interests for the ruling state.

A number of scholars (See for example Helms, 1975:104; Sanders and Price, 1968:210; White, 1971:138) have acknowledged the inherent

economic nature of Aztec expansion into surrounding areas. Few, however, have included an emphasis on the class nature of this expansion. Helms (1975:104), for example, maintains that expansion was largely motivated by a desire to secure resources which were either not available in the central valley or not available in sufficient quantities. This rationale for Aztec expansion, as far as it goes, is true - but extremely misleading by itself. Sufficiency of resources was not a problem for the common people to sustain life, but for the ruling class to sustain its position of economic, social and political dominance.

Moctezuma I, for example, in 1503 sent a great army to the Oaxaca region after a small tree reported to bear very delicate and beautiful flowers. His reason for doing so was said to be that he was enraged that another ruler possessed something he did not (Davies, 1973:223). This war was indeed conducted to secure a resource unavailable in the central valley but the resource was needed not to sustain or enrich the lives of the people as a whole, but to mark the status of the monarch. When the Aztecs demanded of a conquered region, labourers to build houses for the nobility or workers to build a causeway the primary function of which was military it becomes difficult to argue that wars were a matter of securing essential resources (Durán, 1964:187; Davies, 1973:84; Bandelier, 1877:151). The resources secured through tribute and trade were not destined to meet the needs of the common people but to meet the desires of the ruling class and the requirements of the state, the continued existence of which became dependent on military success (Davies, 1973:203).

The class nature of Aztec warfare can be seen in the interests it served within the city-state, but even in the relations of the Aztec state with outside groups the class nature of the society and therefore its warfare is apparent. Padden (1967:38), for example, comments that the Aztec ruling class had more in common with the nobility of other regions than the labourers of their own city-state. The populated land appropriated after wars of conquest most frequently belonged to the common people and not to the nobles. When an outlying province was conquered by warfare its basic political and social structure was usually left in tact. Very seldom, and only with especially rebellious groups were indigenous rulers replaced or garrisons established. Defeated rulers were usually given back their lands and their titles after a war to ensure that they would collect the tribute imposed on their subjects (Davies, 1973:77,84,113-114).

In a war against Huastec, for example, the Aztecs sacked the city, burned the temple to the ground and killed many people. They spared, however, certain great rulers who promised them large tributes (Durán, 1964:108). The nobility and rulers of conquered provinces were an essential part of the Aztec strategy of domination. The Aztecs used the traditional rulers to collect tribute rather than attempting to install a military governorship to do so. As long as tribute and trading demands were met the internal affairs of the conquered province were of little interest or concern to the Aztecs (Vaillant, 1962:82; Zorita, 1965:11,134). Most often, the only Aztec official left in a conquered province was a civil servant to collect taxes (Soustelle, 1961:xxi).

Sometimes, even in the case of a rebellion when the rulers

themselves had been the ones to decide to withhold tribute from the Aztecs, the rulers were left in power after the Aztecs had quelled the rebellion. Durán (1964:126-127) tells of the reaction of the people of Coaixtlahuaca in just such an instance. The people were said to have told the Aztecs:

O Aztec lords, why do you kill us?
What fault is it of ours, we who are ignorant,
simple people.
Who are free of malice and have nothing to gain?
Why do you take revenge on us?
We have not angered you nor offended you nor
troubled you!
And yet you have spared those cursed thieves,
Our chiefs and lords, who have brought nothing
but death to us?
Have we not been the ones to pay the tribute?
By any chance do they pay it?
Is it not all the result of our sweat and labour?
When we have cloth, did they weave it for you?
No, it was woven by ourselves and our wives.
If you received cacao, gold and precious stones,
Rich plumage and fish,
Were we not the ones who offered it to our lord
Moteczoma?
And to our masters the Aztecs?
Spare our lives, O Aztecs.

This was one of the few occasions when the Aztecs did actually kill the nobles of a captured province. Moctezuma had their throats slit and set up an Aztec governor in their stead (Durán, 1964:127).

Aztec warfare, then, had a distinct class nature. The benefits of warfare went primarily to the ruling class, and settlements after a war reflect the concern of the Aztecs to maintain hierarchical relations within those groups they conquered by leaving in most cases the ruling nobility in the group in tact. (See Davies, 1973:104). Obviously there were some benefits to the common people of the confederated three cities of being part of the dominant political group in the central valley. At times, for example, goods received in tribute

were distributed as gifts to the common people. The commoners to some extent shared the benefits of conquests and wars. They did not, however, share in the benefits equitably (Vaillant, 1962:104). Most frequently, distribution of state goods only occurred in times of famine when, for example, grain stores were opened for the public to prevent depopulation of the cities (Davies, 1973:93).

Wars of conquest, at least in the early years of the later empire, did provide a means through which warriors of common status could achieve renown for themselves and become a part of the ruling elite. In a war against Xochimilco, for example, which occurred shortly after the Tepanec campaign, the best lands along with the labour of the people who occupied them were awarded to the ruler and the participating lords. Then land in Xochimilco was also set aside to support the Aztec officials of the state and the clergy. Other less desirable land was distributed to plebians who had distinguished themselves in combat (Padden, 1967:19-20). Distribution of these lands, however, was always in the control of the state and as the social hierarchy became more rigid and entrance to the ranks of the nobility restricted.

Perpetual wars of conquest held immense rewards for the nobility and the state. Because the Aztec ruling class supported itself partly through the products and labour secured from conquered provinces, warfare became essential to the continued maintenance and expansion of their economic and political power. The Aztec nobility constantly pressured for new wars of conquest and Aztec rulers who did not pursue a course of continual warfare were replaced. There is some indication, for example, that Tizoc, who reigned from 1481 to 1486,

was poisoned because he was generally thought to be cowardly and ineffectual and did not do enough warring (Durán, 1964:180). The primary overriding concern, therefore, of the state came to be protecting its own land, conquering new land, and the maintenance of dominance over previously conquered lands.

As has been noted, the Aztecs did not integrate conquered territories into the empire in more than a superficial way. They generally left indigenous rulers in power, and with only minimal military presence attempted to hold together an empire which was in actuality only a loose federation of various ethnic and political groups (Helms, 1975:104). Because of their loose hold on these conquered regions, however, the history of the empire was characterised by successive waves of expansion and then periods of consolidation. When expansion began to stretch the resources of the empire, a period of consolidation followed. Some rulers adopted specific policies along these lines as did Moctezuma II (1502-1520), who wanted to use the outlines of the existing empire as a skeleton to be fleshed out by more fully consolidating the hold of the empire over these areas (Davies, 1973: 213-218). There was always at least the potential of rebellion all over the empire, and in fact, rebellions were frequent. Indian picture writings provide clear records of the continual series of uprisings in which people in conquered cities attempted to reestablish their independence (Soustelle, 1961:xxii).

The Aztecs were usually able to contain these rebellions, but they were both costly and dangerous. A rebellion meant diverting resources to support an unplanned war effort and more importantly a challenge to the position of dominance of the state on which the

whole system depended. The Aztecs were only too aware of the dangerous political implications of rebellions in an empire so scantily dominated. Having once been dominated themselves, and having grown strong enough to successfully test their subjugation, they well understood the importance of meeting with force every assertion of strength from those they dominated. One successful rebellion could lead to many more, and spell the eventual disintegration of the empire.

Sometimes, therefore, a 'rebellion' was merely a refusal by the leader of one of these groups of an invitation to Tenochtitlan. Rulers of neighbouring provinces were regularly required to attend feasts which were great displays of wealth designed to impress on the rulers the power of the Aztecs. These invitations were demonstrations of Aztec dominance and ability to command obedience. Just as the Aztecs had at one time tested the strength and resolve of their dominators, they constantly tested the submissiveness of those they dominated.

Very soon after the defeat of the Tepanecs, for example, the Aztecs sent a demand to the ruler of Cuitlahuac for maidens of noble families to dance at a religious ceremony. The rulers of Cuitlahuac sent an indignant refusal in response:

Are my daughters, sisters and relations, and those of the lords of Cuitlahuac mere toys or bufoons of your god, that they must sing and dance before him (Davies, 1973:84).

This refusal was, to the Aztecs, a declaration of war. A refused demand was considered a sure indication of an erosion of power that must quickly be reinstated - for Aztec domination depended on political power to command resources. If demands were not complied with Aztec armies responded with force. The demands on the surrounding

peoples served many purposes. Sometimes they were a matter of sheer greed; sometimes a pretext for war, but always the demands were designed to assert dominance. The belief only grew stronger as the empire expanded that it was the Aztecs function to make war and the function of other peoples to work for them (Soustelle, 1961:xxiii).

With the rise of classes in Aztec society and the state, warfare came to be geared increasingly toward advancing the interests of the ruling class. As the state gained more and more power it developed and sophisticated its control over warfare, as indeed it would do over other forms of violence. Warfare was not a chance occurrence or an expression of the desires of the society as a whole, but an activity directed and controlled by the state. As the empire developed the state attempted to increase its control over the conduct of warfare so that violence was directed to accomplishing state goals (Davies, 1973:183-184).

The Aztec ruling class was not interested in land as such, but populated land. A labour force was needed to work the land appropriated and therefore provide tribute and products which could be traded. The Aztecs, therefore, did not often devastate another region in warfare. When they did so, it was as a punishment for peoples thought to be especially dangerous. Widespread looting, killing and destruction, while effective politically as a demonstration of the might of the Aztecs, was economically unsound and usually avoided. When the Aztecs deemed it necessary to make a political statement and destroy a region they usually attempted to repopulate it with citizens from the main empire cities. People were encouraged to volunteer for resettlement in these areas through state promises of high offices and

freedom from tribute. They were also told that such resettlement was the will of the gods (Dura[́]n, 1964:200). Such resettlement programs, however, were not usually highly effective. And a state which depended primarily on appropriated agricultural surplus could ill afford to often disrupt radically the basis on which its continued existence depended. It was in the interests of the state, therefore, to avoid widespread destruction in war, and even war itself if the designs of the state could be accomplished otherwise.

This point is clearly illustrated in the set of negotiations that went on prior to the conquest of a new province. Emissaries, in some cases three different sets of emissaries, one from each of the cities of the Triple Alliance, were sent out to offer targeted Indian groups a choice - tribute or war. This ultimatum allowed the people time to consider the risks of warfare. The reputation of the Aztecs as fearsome warriors, a reputation they were careful to cultivate, made this choice an ominous one. The emissaries attempted to impress, especially on the old, the miseries a war would bring and the higher tribute demands which could be necessary if a war was actually fought. If the rulers of the province agreed, tribute and trade arrangements were set, rulers and nobles maintained their positions of power, and there was no warfare (Zorita, 1965:111,134). When negotiations were unsatisfactory, however, a war ensued and the Aztecs continued fighting until their demands were met.

The state also attempted to control the behavior and limit the actions of its warriors after a war. In 1496, for example, the Aztec ruler Ahuizotl dispatched an army to Tehuantepec to put down a trade rebellion. Tehuantepec was more distant than any area

previously conquered, and much of the motivation of the individual warriors to make such a long and arduous journey on foot and without pack animals lay in the anticipated rewards of plunder. The wider politics of the empire, however, were against such actions. The holding of such a distant province and the maintenance of a continued flow of tribute depended to a certain extent on the good will, or at least the compliance of the conquered peoples. A bloody massacre and widespread looting was likely to accomplish little as far as the state was concerned except depopulation, consequent lessened tribute and a great deal of resentment which would threaten to breed further rebellion and further expensive campaigns.

It was usually in the state's interest to adopt a conciliatory attitude to conquered peoples, especially those who were far away and likely to be difficult to control. After the Tehuantepec campaign Ahuitzotl decreed that warriors were to be forbidden from looting and all the booty was to be collected by the state. The subsequent discontent of the warriors over this decree prompted a distribution of almost all of the war booty to the warriors. The state relinquished its claim to all the booty, but booty was distributed to the warriors by the state. The warriors were not allowed to take it themselves. This event is an important indication of the state's increasing attempts to establish an army solely under its control. Warriors were even told that they were no longer to buy precious goods in the marketplace, but were to wait for a distribution of these goods by the sovereign (Durán, 1964:142). Decrees such as this one illustrate the degree to which the state understood the importance of securing the dependence of members of the army on the state thereby facilitating

state control of warfare itself.

It is quite apparent that the Aztec ruling class was the primary initiator and beneficiary of warfare, and that the continued existence of ruling class power, both economically and politically was dependent on perpetual warfare. But, it was in the ruling class' interest to represent its actions as being in the interests of the group as a whole. And here as well the state played a crucial role. By objectifying interests, representing the interests of the ruling class as the interests of society as a whole, the state attempted to obfuscate the real reasons for warfare. A great deal of 'ideological work' was directed toward convincing the masses of people that they were fighting for some reason other than the enrichment of the ruling class. Nezahualcoyotl, for example, the Texcocan ruler from 1418 to 1472, is said to have lectured his people:

It is the common people who cause war, with their ignorance and their recklessness (Duran, 1964: 88).

But negotiations for warfare frequently went on in secret when rulers of other Indian groups were invited to Tenochtitlan and entertained privately. Durán (1964:193) comments:

The reasons for all this secrecy was that they did not wish the common people...to suspect that kings and rulers made alliances, came to agreements and formed friendships at the cost of the life of the common man, and the shedding of his blood.

The legitimation of warfare, however, required more than just pronouncements by rulers blaming the commoners. A complex array of ideas and beliefs evolved and were constructed to generate a warfare mentality and a belief that warfare was in the interests of all.

The Ideology of Warfare

One of the most interesting aspects of the transformation of a social formation from one stage of development to another is the ideological transformation which occurs along with it. The transformation of Aztec society from a tribal democracy to a warring imperialist state did not occur without profound changes in the ways in which men and women thought about themselves, the social organisation within which they were living, and their own existence. These changes did not occur all at once, some changes in thought predetermined political and economic transformation, others accompanied it and still further changes were a consequence of it. The changes in thought were partly a response to given conditions of existence in the central valley and partly the result of purposeful and deliberate manipulation by those in power who stood to gain by such changes.

Obviously, the very entrance of the Aztecs into the central valley had brought about profound changes in thought. No longer able to hunt and gather and move about as they pleased, the Aztecs found themselves in an area dominated by a number of settled agricultural groups all competing among each other for control of resources in the central valley. The Aztecs could either become competitors themselves, leave the valley, or starve - the options were clear. Confronted with this different conception of territoriality, they were forced to modify their own conceptions just to continue as a group. The material conditions of existence in the central valley, therefore, forced the Aztecs to develop a political, economic and ideological structure which would ensure their survival in such a context.

Religion served as a primary ideological tool in the process of transforming ideas to ones more appropriate to a military expansionist

state. Religion came to be as much an apparatus of the state as did the legal system which will be discussed later (Kurtz, 1978:174). Church and state were one in Aztec thought and warfare was represented as a religious endeavour (Peterson, 1961:iii; Prescott, 1922: 30). Aztec theology was revised and modified so that it supported this warring social order. Benevolent agricultural gods were replaced by fierce war gods, and a special heaven was reserved for warriors. The popular conception came to be fostered by the state that the Aztecs were destined to rule the world. Military prowess was made the key to social advancement in the increasingly hierarchical society.

The Rearrangement of the Gods. One of the most revealing legends from the early years of Aztec societal transition from tribal communalism to an ancient state system is the legend concerning the rebellion against and eventual ousting of Malinalxochtl. Malinalxochtl was the 'witch' who, according to legend recorded in the Codex Ramírez⁸, had been the chief of the tribe at one time. She is said to have ruled through magic powers known only to her. She knew, for example, how to tame wild beasts and used them to fight against men. Once the Aztecs had established themselves within the fiercely competitive environment of the central valley Malinalxochitl's brother, Huitzilopochtli, is said to have advised leading priests to do away with her. He told them that sorcery and magic were old fashioned and that they would never bring the Aztecs power and glory. Only "strength and valour of heart and arm..." he told them could do so (Sejourne', 1976:18-19).

Sejourne' (1976:19) argues that this legend represented a revolution in Aztec thought, an attempt to replace out of date concepts

with those more in keeping with a militarist society. Huitzilopochtli, the war god, replaced the sorceress thus making a statement about the need to emphasise will power, rationality, strength of will and force of arms. According to legend, Huitzilopochtli is said to have stated, after his victory over his sister:

My chief mission and my task is war...I have to watch and join issue with all manner of nations and that not kindly.

The four corners of the world shall ye conquer, win, and subject to yourselves...it shall cost you sweat, work and pure blood (Quoted in Séjourné, 1976:20).

The elevation of Huitzilopochtli was symbolic of the creation within Aztec thought of a sphere in which the will of men could function. Men were not to be thought of as totally at the mercy of nature and its magic, through their will and force of arms they could, to some extent, direct their fate. This was indeed a revolutionary change in basic philosophy.

After the defeat of Atzacapotzalco a further series of significant changes in thought and religion occurred. Durán (1964:110) and other more contemporary scholars (See for example Miguel León-Portilla, 1971:158-166) attribute many of these innovations directly to one man, Tlacaelel, who was a general in the campaign to secure the Tepanec lands as well as powerful advisor to a number of Aztec rulers after the defeat. But, however instrumental Tlacaelel was in formalising these changes, he did not impose them as an individual outside a social context. Tlacaelel may indeed have perceived changes that were necessary and articulated them in the form of decrees and laws, but the changes attributed to him could only have been made within the wider social context. Tlacaelel's genius was his ability to understand

and manipulate concepts which were imbedded in Aztec culture and modify them so that they served the interests of a militarist state.

Religious concepts were a very important part of the transformation of the Aztec social formation into a warring imperialist state. The Aztecs inherited from their predecessors a milder version of the religious beliefs which came to dominate the central valley. Only later was a rather darker mythology grafted onto existing belief (Prescott, 1922:37). Séjourné (1976:45) notes that this process was one of bringing religion into the service of a "cruel state philosophy." Tlacaelel played an important part in the reconstruction of religious myths which aided the goals of this new social order.

The rearranging of the importance of the gods in the Aztec pantheon was representative of this shifting in required values. Religion became an ideological tool of the state, used to bring about changes and maintain them, instilled in the minds of the people. Tlacaelel was instrumental in the elevation in status of Huitzilopochtli to a position of equality with, if not supremacy over, other gods traditionally worshipped in the valley. Huitzilopochtli was to become, as the empire expanded, increasingly important and he assumed more and more the functions and attributes of other gods. Keen (1971: 33) suggests that given time, this process might have brought the Aztecs to monotheism, for Tlacaelel and his theologians were developing Huitzilopochtli into a symbol of imperial sovereignty (Kurtz, 1978:178). The transition in status of Huitzilopochtli was a reflection of changed social conditions, the early transition of the Aztecs from plural leadership to one chosen leader, and also the society's transition from a pacific agricultural grouping to a warring imperialist state (Davies, 1973:27). But Huitzilopochtli's elevation also

in part made this warring imperialist state possible, for belief in him was a motivation for war.

Huitzilopochtli was, above all else, a war god. According to legend he emerged from his mother's womb with a shield in one hand and a spear in the other, and promptly killed all his brothers and sisters who were jealous of his somewhat dubious conception. It is possible that ^{at} one time Huitzilopochtli had been a leader and at his death was elevated to the status of a god. After his elevation within the Aztec pantheon to a position of dominance, the Aztecs never set to war without consulting in the temple dedicated to this god (See Spence, 1923:65-91 for a further discussion of the significance of Huitzilopochtli).

The ancient god Quetzalcoatl who had been extremely important in the civilisations of central Mexico such as Tula and Teotihuacan, was very different from the fierce warring Huitzilopochtli. Quetzalcoatl was the central god of civilisations based on agricultural efficiency and plenty. He was a god of culture and benevolence - a god who was loved more than feared, and who asked only for offerings of flowers and butterflies. As Séjourné (1976:27) notes, a god with a character such as that of Quetzalcoatl would have been "troublesome at the head of so cruel an empire" as was to be developed by the Aztecs. Huitzilopochtli, however, was a reflection of a social order in which warfare had been elevated to pre-eminent importance. He was to be feared, not loved, and his ferocity was reflected in his demand not for offerings of flowers or butterflies. but the blood of human beings. He reflected the concerns and values of the new social formation and advanced their development.

The replacing of the gods and the re-evaluating of their position within the pantheon were important modifications in religious thought which were consistent with the needs of a militarist state. The construction of ideologies is a complex process, however, ideologies are seldom merely the conscious cynical constructions of self-interested individuals. No one can say, for example, the degree to which Tlacaelel consciously manipulated beliefs in the interests of his own class and the state which represented it, and the degree to which he actually believed them. Tlacaelel and his theologians poured over the ancient legends seeking new interpretations which were consistent with the needs of the new military expansionist state. Whether they did so in a conscious effort to manipulate ideas or only saw themselves as reinterpreting and shedding new light on these previously undeveloped legends is impossible to say, and in the final analysis it is irrelevant. The important point is that whether Tlacaelel and his minions believed their constructions or not, other people did believe them enough to motivate them to fight wars which were in the interests of the state. In the construction and propagation of ideologies there is usually a complex process going on, combining cynical manipulation of ideas with a partial belief in those ideas. It is virtually impossible to distinguish between the two. The fact remains, however, that the Aztecs orchestrated a quite practical management of ideology which served state ends.

In addition to being willing to rearrange the importance of their own gods, the Aztecs were quite practical in their view of the religions and gods of other peoples. They used the religious symbols of conquered peoples as a binding force to the empire. They set aside a special place, in Tenochtitlan where the gods of conquered peoples

resided. They took these gods prisoner and brought them back to the temple reserved for them. The Aztecs, therefore, surrounded their own gods with gods from every part of the empire (Soustelle, 1961:21). The Aztec pantheon was, like the Aztecs themselves, extremely adaptable. It had room for many gods. At the time of the Spanish conquest, it was said that the gods of Mexico numbered two thousand (Gómara, 1964: 166).

The Warrior Heaven. The Aztecs believed history to be divided into a series of ages, or suns, each one ending in catastrophe and partial destruction of the earth. The sun of the thirteenth and fourteenth centuries was to end in earthquakes (Spence, 1923:39). The age of the fifth sun, under which the Aztecs were living in the later empire, was also destined to end in catastrophe. Aztec society, then, was greatly imbued with a sense of impending doom. Aztec theologians, however, decided that the eventual cataclysm, although unavoidable, could be put off by the sacrifice of captives taken in war. Every day when the sun waged its struggle with the forces of darkness, the moon and the stars, to rise again, the sun was to be made stronger in this battle by the blood of sacrificial captives. The Aztecs, the People of the Sun, through this revised cosmology symbolically took some small measure of control over the otherwise uncontrollable forces of nature.

There were numerous heavens in the Aztec belief system, thirteen by some accounts. Some of these heavens were reserved for people, some were populated with planets, and others occupied by birds, or fire snakes. But the most desirable heaven was reserved for warriors and women who had died in childbirth - presumed to be sacrificing their lives in an effort to bring new warriors into the world.

Warriors who were killed in battle or who were sacrificed after their capture were presumed to accompany the morning sun, Huitzilopochtli, on his daily journey across the sky. On arrival in the west these warriors were greeted by the women who had died in childbirth. Together they all accompanied the sun on its nightly journey (Davies, 1973:172).

People who were sacrificed to Tlaloc, the Rain God, or who died of dropsy, leprosy, or venereal diseases went to the heaven belonging to Tlaloc - not a bad "terrestrial paradise" as Fray Bernardino de Sahagun⁹ described it "where they feign that there is surfeit of pleasure and refreshment" (Quoted in Spence, 1923:62). The rest of humanity, however, rich or poor were destined to a grim underworld (Davies, 1973:173). An initial journey to this underworld was filled with terrors which could, to some extent be mitigated by the offerings of the living. But after this journey, souls reached the place of the dead where they were thought to find some measure of rest. Mictlampa was not a place of punishment but merely a place for the dead, and it played host to the souls of both the good and the evil (Spence, 1923:63-64). The Aztec individual's destiny, therefore, after death depended on the way in which he died instead of the way in which he lived, and there was great reward for dying in battle. Then at least he was assured a place in the most desirable and glorious of heavens. An Aztec song reflects the desire for such a death:

There is nothing like death in war,
nothing like flowery death
so precious to the Giver of Life
Far off I see it: my heart yearns for it!
(Quoted in Keen, 1971:41).

Religious belief, therefore, provided a much desired reward for dying in an attempt to serve state interests.

Manifest Destiny. The Aztecs justified their domination of the country in terms of a sort of natural right or manifest destiny. It was official state ideology that the Aztec polity was destined to rule the world as they knew it (Zorita, 1965:4). The Aztec ruling class asserted that they were the heirs and successors of the Toltecs of Tula who had at one time ruled in central Mexico and that they had, therefore, domination over the entire region. From this point of view any city which refused to accept their overlordship was considered to be in rebellion. Causes for beginning warfare, therefore, were not difficult to find. Since the targeted cities belonged to them by right, warfare was merely a matter of forcing other groups to accept their natural position. If these groups succumbed without a struggle, tribute requirements were framed in terms of a 'voluntary gift' (Soustelle, 1961:206). The powerful Aztec religion, therefore, and this concept of manifest destiny fed Aztec imperialism (Caso, 1958:72-94).

Social Mobility. The social system was structured to reward and promote warfare. Warring was considered the highest endeavour of man. At birth male children were presented with weapons and instructed in the glories of warfare. The umbilical cord of the male infant was taken and secretly buried in enemy territory so that he would be drawn into warfare (Peterson, 1961:155). Special schools for the sons of the nobility were geared toward producing great warriors, and to achieve warrior rank was the ambition of most. Young men wore a lock of hair which was cut only when they had achieved the rank of warrior. When a young man had taken his first prisoner he was

admitted into society with full rank and privileges and was then free to marry (Peterson, 1961:156). If a young man failed to take captives singlehandedly in several battles, he was returned disgraced to civil life, his long lock of hair a mark of his worthlessness to the society (Thompson, 1933:43).

The Florentine Codex records the Aztec image of a good and a bad warrior:

The good valiant man (is) one who excels others
- a victor, a conqueror, a taker of captives.

He is reckless, he destroys, he charges the foe;
he takes captives, he besieges, he sweeps away
(the foe).

The bad valiant warrior (is) unreliable...is
afraid of war, timid; he is cowardly in his
retreat (Sahagun, 1961:23-24).

To be a great warrior, therefore, in Aztec society was to be a respected and valued man. And until the later stages of the empire, under Moctezuma II, when the existing nobility began to solidify its hold on social position, military distinction was the key to social mobility (White, 1971:108). Important government positions and grants of land were reserved for successful warriors (Peterson, 1961:156). Tlacaelel, for example, issued a directive:

We also order...that if sons
Be born of slave girls and maids, even though
they be
bastards, they be considered our blood. If
any of these
Be valiant and courageous in war, more than our
legitimate
Sons who might be cowards, let them inherit our
wealth (Durán, 1964:142).

This open policy of social mobility according to military distinction encouraged even commoners to distinguish themselves through warfare. But as the nobility and their families grew, pressure to

limit entry into the nobility and assure the spoils of war to the sons of the nobility increased (Katz, 1966:137). When Moctezuma II was crowned in 1502, he had all those of common birth removed from his service and decreed that the sons of lowly women or slaves were not to become members of the nobility (Kurtz, 1978:168,189). Again it is not possible to do more than speculate what the effect of this policy would have been had society in Mexico continued undisturbed by the Spanish conquest. It is possible that this policy and the changes in land ownership and labour forms might have led to a development of a social formation characterised by the feudal rather than the ancient mode of production. But it is also possible that the stagnation of social mobility, the end of the military meritocracy could have led to the overthrow of the Aztec state by another group. These developments - the restriction of entry into the nobility, the increasing hold over the land by the nobility who worked peasants as serfs - were preshadowings which could indicate the possibility of the rise of a feudal mode of production in central Mexico. They were, however, not invariant determinants of a rise of feudalism out of the ancient mode of production.

Summary

Warfare in Aztec society was a fundamental and integral part of the way in which the economic structure was organised. The spoils of warfare, the tribute secured, and the land and labour appropriated provided a means of support for the Aztec state and the Aztec ruling class. Warfare, therefore, was the primary method through which the Aztec ruling class secured the economic conditions of its

existence. A great deal of ideological work was done by the state to instill in the minds of the people values consistent with those needed by a warring imperialist society. A war god was elevated to a position of dominance within the Aztec pantheon and turned into a symbol of Aztec imperial sovereignty. A special heaven was reserved as a reward for those who gave their lives fighting wars in the interests of the state. The ruling class asserted a mandate to rule based on their inherited domination of the region through the Toltecs. For a time at least, success in warfare was made the key to social advancement thus offering a reward for serving state interests which could be redeemed before entrance into the afterlife.

The Aztec state used warfare and the threat of warfare to impose a particular set of relations of production on groups in surrounding regions. The maintenance of this set of relations of production, the maintenance of the position of the Aztec ruling class as the receivers of appropriated surplus depended to a large extent on political domination. The Aztec ruling class appropriated surplus as the possessors of the dominant political entity in the central valley. They had to be, therefore, constantly aware of any erosion of their position at the apex of political power and continually ready to reinstate the position with force if necessary. An important part of understanding the organised violence of the Aztec state is acknowledging the centrality of the political level in the social formation. The Aztec ruling class enforced and maintained a particular set of relations of production which served their interests primarily through political means. Violence, therefore, was used as a tool to support political domination. This use of violence as a political

tool can be seen clearly in the state's appropriation and subsequent development of the practice of human sacrifice to serve its ends.

CHAPTER IV

AZTEC HUMAN SACRIFICE AND THE POLITICS OF FEAR

The Aztec practice of ceremonially sacrificing human beings has been one of the continuing fascinations of those who have written about pre-conquest Mexico. From the sixteenth century to the twentieth various chroniclers and scholars have speculated about the reasons for its existence. These speculations have ranged from devil possession to lack of protein in the diet. To most of the sixteenth and seventeenth century chroniclers and scholars (For example Díaz, Cortés, Francisco de Aguilar, Oviedo, Sepúlveda, Thevet, Zapulli, and Chaveton) the explanation for human sacrifice was straightforward. It was the influence of the devil. The Jesuit, Iosephus Acosta (1625:1037) is characteristic in his lament that the sacrifices were the "great misery wherein the Devil holds this blind nation."

In the eighteenth and nineteenth centuries a few scholars (for example, Clavigero and Marzuez) took a more detached view and pointed out that human sacrifice had been practised in a number of cultures and no particular explanation for its existence in Aztec society was necessary. In 1845, the Mexican scholar Jose Fernando Ramírez, maintained sacrifice was simply one aspect of a particular stage of development of Aztec society. Orozco y Berra, in his Historia Antigua y de la Conquista de Mexico, published in 1880,

followed closely Ramírez' ideas. He maintained that human sacrifice corresponded to a certain universal stage of social development.

Most twentieth century scholars (See for example Peterson, 1961: 145-150; Soustelle, 1961:98-99) have only described human sacrifice, shunning any attempt to offer explanations for it except those which the Aztecs themselves promulgated (See Séjourné, 1976:14). Aztec human sacrifice, therefore, is generally treated by contemporary historians as one interesting phenomenon among the complex mix of customs which characterised Aztec society. A few contemporary scholars (See for example Wolf, 1959:145) take a psychological approach and hint that the explanation for Aztec human sacrifice lies somewhere in an analysis of the Aztec personality (See Keen, 1971 for an expanded discussion of the various perspectives expressed by the writers mentioned).

None of these speculative assertions, however, really forms an adequate explanation. None actually presents an expanded argument which accounts for the existence of human sacrifice, nor explains the particular form it took in Aztec society. Devil possession holds no currency as a social scientific explanation, and indeed raises more questions than it answers. And to merely assert that sacrifice occurred elsewhere and corresponded to a certain stage of development, hardly explains why it occurred at all, why it corresponded to this particular stage of development, nor why it took the particular form it did in Aztec Mexico. To refer back to the "Aztec personality" as an explanation also raises more questions than it answers and as Wolf (1959:145) himself notes, no analysis of the Aztec personality has as yet been undertaken which explains human sacrifice.

Only a handful of scholars have attempted to consider the phenomenon of Aztec human sacrifice in materialist or class terms. The English writer, Edward Payne, in his History of the New World Called America, was one of the first to do so. Payne (1892, Vol I:500) posited that Aztec ritual human sacrifice was a method of providing animal food for the ruling class, and that the religious mythology surrounding it was merely a facade for organised cannibalism. Whereas Payne linked the practice of human sacrifice with the desires and interests of the ruling class and noted the functional nature of the ideology constructed to support it, his assertion that the desire to consume human flesh was the underlying motivation for these rituals is not backed up by substantiated argument, nor does it hold up well as an explanation when other information about the material conditions of existence in the central valley are considered. There were, for example, many sources of protein available in Mexico - vegetable protein, seafoods, domesticated turkeys and ducks, and even small dogs which the Aztecs ate (Durán, 1964:32; Peterson, 1961:28). And even if one accepted the notion that securing adequate protein was a problem, Payne's assertion still leaves many questions unanswered. Why, for example, was this particular solution adopted? The Aztecs could have mobilised themselves in the large-scale production of turkeys or dogs. Why human beings? And why was human sacrifice adopted only by the Aztecs on a mass scale? Most of the other Indian groups in Mexico existed without using human beings as a protein source.

Payne's hypothesis about the motivations behind Aztec human sacrifice, while intriguing, is not adequately backed up by argument, nor is it located within an elaborated theory of the nature of Aztec

society as a whole. But while Payne failed to provide adequate evidence that human sacrifice was conducted for the reasons he proposed, he did link the practice with the desires and interests of the ruling class and noted the contrived nature of the ideology surrounding it. Other more contemporary scholars (See Séjourné, 1976; Padden, 1967; Vaillant, 1962) have also noted these connections. Laurette Séjourné, for example, maintains that it was the economy "which ruled human sacrifice," and that human sacrifice was a fundamental part of the Aztec expansionist military state. She terms the ideology surrounding human sacrifice as "state propaganda" (Séjourné, 1976:35,156). R. C. Padden (1967:112) calls human sacrifice an "imperial hoax," and George Vaillant (1962:81-82) notes the functional nature of human sacrifice to ruling class economic concerns. Neither Séjourné, Vaillant, nor Padden, however, go much further than merely asserting the connection between the practice of human sacrifice and the interests of the ruling class and the state. None of them goes on to demonstrate just how human sacrifice fit into the political and economic structure of Aztec society. Indeed, the comments made by these contemporary scholars about possible explanations of Aztec human sacrifice are, by and large, digressions - speculations mentioned within larger works concerned with other issues.

Given the particular social, political and economic situation in central Mexico at the time, however, and the history of the development of Aztec society, Séjourné seems to have the most insight into accurately assessing the role of human sacrifice when she asserts that human sacrifice was primarily a form of statecraft which assisted the expansionist strategy of Aztec imperialism. The Aztecs did

not invent human sacrifice, nor was sacrifice a feature solely of the empire phase of their development. What the Aztecs did, however, was to appropriate the practice and then elaborate on it in such a way that it became an act which served the interests of the empire both materially and ideologically. By appropriating the act, the state 'captured' for itself the religious significance attached to it. This 'capture' or redeployment of human sacrifice to serve state ends was only part of a wider appropriation of religion itself to support the Aztec state. Séjourné (1976:16), for example, notes that Aztec religious concepts were a "political weapon." Religion became an ideological apparatus of the state used to justify state actions and legitimate state interests in the same way that the army became a coercive apparatus of the state, fighting its wars and enforcing its will. Religion was brought into service to the state. It was, as Séjourné (1976:156) notes, "spirituality at the service of an Empire." But what were the interests of the state served by human sacrifice? Why was this particular practice adopted and built into a prominent feature of Aztec society?

Human sacrifice became an important feature of Aztec society for a number of reasons all of which were associated with maintaining the conditions of existence of the dominant polity in the central valley - the Aztec state. First, the elaborate and public displays of human sacrifice served as an effective form of state terror which assisted in the intimidation of surrounding Indian groups into accepting a position of political and economic subordination. Second, the act of sacrifice itself was an important symbolic representation of the centrality and power of the Aztec state, an act which graphically

stated the importance of the Aztec empire as a political entity.

Third, the ideology surrounding human sacrifice, the 'cosmic mission theory' which asserted that by sacrificing human beings the Aztecs were fulfilling a divinely appointed task of keeping the sun moving, and therefore existence continuing, reinforced the notion of the Aztecs as a 'chosen', almost supernatural people.

The Development of Human Sacrifice as a Form of State Terror

The ritual sacrifice of human beings was not alien to other Indian groups in Mexico and there is good evidence that it was practised in the central valley long before the arrival of the Aztecs. The Mayan Indians of Yucatan and Guatemala, for example, performed human sacrifice as did the Mixtec Indians of Oaxaca. There is no indication, however, that human sacrifice ever reached the proportions in these other groups that it did in the Aztec empire (See Bosch García, 1944:47; Helms, 1975:105; Wolf, 1959:80,145). The Aztecs in the later empire took human sacrifice to an extent never before realised both in terms of the number of people sacrificed and the amount of ceremony surrounding it. They adopted what had been primarily a religious practice, infrequent and involving only a few individuals, and made of it an elaborate display glorifying the power of the Aztec state (Davies, 1973:98).

It is impossible to determine exactly how many people the Aztecs sacrificed, but there are enough estimates from the chroniclers to indicate that the numbers must have been great indeed. Prescott (1922:49), for example, cites sixteenth century estimates that Aztec human sacrifice consumed from 20,000 to 50,000 lives annually at the

height of the empire. Durán (1964:194,199) who used Aztec picture writings and Indian informants as sources, maintained that at the dedication of the temple of Mexico alone, 80,000 people were sacrificed in a ceremony which lasted from dawn to dusk for several days. Torquemada, a seventeenth century chronicler, and Ixtlilxochitl, a descendant of the last king of Texcoco, both of whom also relied on native sources, estimated that a file of prisoners two miles long was killed at the dedication of the temple to Huitzilopochtli in 1486 (Prescott, 1922:49). Durán (1964:225) also wrote that at the enthronement of Moctezuma II, 8,000 people were sacrificed and eaten at banquets during a single day. In addition to these accounts, we also have the statements of the Spanish conquistadors. Cortés (See Gómara, 1964:167) and Bernal Díaz (1963:138) both maintained that when the Spanish arrived in Mexico-Tenochtitlan in 1519, they found a skull rack situated in the main square on which they counted no less than 136,000 skulls. They noted that many more skulls, difficult to see, were left uncounted.

By the later Aztec empire there were elaborate ceremonies surrounding these sacrifices. Durán (1964:111-112) describes a form of sacrifice devised by Tlacaelel, the military leader.

Once they had tied him (the victim) they handed him a wooden sword and a shield; the sword was not equipped with blades but was feathered from top to bottom...an old man disguised as an ocelot appeared then and gave four wooden balls to the victim, telling him to try to defend himself with them. He wrapped a piece of cloth around the prisoner's body and gave him a little Divine Wine to drink. After this he withdrew, leaving the victim alone.

One of the men disguised as a god then approached the stone dancing, with his shield and sword in his hand; well protected...The poor wretch upon the stone threw the wooden balls at

him. These were evaded by the sacrificer if he was skillful, whereupon the prisoner picked up his feathered sword and defended himself the best he could.

Some of the victims possessed such ability that they wore out two or three attackers before they could be wounded, four priests, painted black, with long braided hair, dressed in garments similar to chasubles, ascended the stone and laid the wounded man on his back, holding him down by the feet and hands. The high priest then rose from his seat, went to the stone, and opened his chest with the knife. He took out the heart and offered the vapor that came out of it to the sun. As soon as the heart was cold he delivered it to certain ministers...

These ceremonies were performed in the case of all the prisoners, each one in his turn. However, there were some who, on being given the shield and sword, felt the sword with their fingers. When they realized that the sword was not edged with stone but with feathers they cast it away and threw themselves willingly upon their backs on the stone. The priests then took hold of them and the high priest opened their chests and extracted their hearts. Some of the victims, such as those mentioned above, were unwilling to go through so much ceremonial, and they cast themselves upon the stone immediately, seeking a quick death. Whether one defended himself well or whether one fought badly, death was inevitable. That is why all those priests were required; when one was tired of sacrificing another would take his place. At the most it meant another half-hour of life.

Within Aztec society these human sacrifices consisting of elaborate ceremonies and involving large numbers of victims were a development of the later empire. Prescott (1922:46), for example, maintains that human sacrifice was adopted by the Aztecs early in the fourteenth century, some two hundred years before the Conquest. Rare at first, as the empire expanded sacrifice became more and more frequent until almost every war and every festival concluded with this practice. The increase in the frequency, the scale, and the ceremony surrounding human sacrifice occurred in conjunction with the

growth of the Aztec state into a position of dominance in relation to surrounding Indian groups and its own labouring class. Vaillant (1962:88), for example, maintains that it was during the period from 1455 to 1507, when the state was greatly expanding the size of the empire that Aztec sacrifice increased. The frequency and scale of these sacrifices grew as the society matured and they became public spectacles involving masses of victims (Davies, 1973:169).

There were numerous different types of sacrificial ceremonies. Séjourné (1976:12-13), for example, notes sacrifices of children in honour of the rain god, Tlaloc; the sacrifice of an unblemished youth to honour the god Tezcatlipoca; and the sacrifice of a woman in honour of the goddess of salt, among others. But the extravagant displays which involved masses of lives seem to have involved primarily war captives. The two-mile long file of prisoners sacrificed at the dedication of the temple of Huitzilopochtli, for example, was largely composed of the accumulated prisoners from recent large-scale battles (Peterson, 1961:101).

It is difficult to establish the exact chronology of the development of particular forms of sacrifice. We do, however, know that the mass sacrifice of war captives began somewhere around 1450 (Peterson, 1961:145). Durán (1964:110) attributes the invention of these ceremonial sacrifices to Tlacaelel, the military leader who rose to power after the Tepanec war and served for almost forty years as an influential advisor to several Aztec rulers. Tlacaelel ordered increases in human sacrifice and devised new methods of sacrifice which were made into law (Durán, 1964:141). Tlacaelel did not invent the practice of human sacrifice. He was, however, extremely instrumental

in transforming what had previously been solely a religious rite into a public display of state power (See Padden, 1967:23). Tlacaelel was a prime mover in initiating the process through which the state appropriated the practice of human sacrifice and transformed it to serve state ends.

Mass ceremonial sacrifices, therefore, were a development of the later empire phase of development of Aztec society. They originated at a time when the Aztec ruling class needed to maintain its dominance over surrounding Indian groups and its own labouring class. Mass human sacrifices were devised by those in power and corresponded to an era in which the Aztec ruling class was attempting to maintain and expand its position as the sole recipients of surplus production.

The Aztec state maintained itself in this position of political and economic dominance partly through military expertise, through conquering new provinces and putting down rebellions in those already conquered. But, as has been noted, the ruling state could not ensure the tribute of conquered provinces or their compliance with trading agreements by maintaining a military presence in the area, and the state held no monopoly on land. The Aztec state, therefore, relied as much on the fear of warfare as on warfare itself to intimidate surrounding Indian groups into compliance with this system of economic and political relations. Davis (1973:110) notes that: "It was a case of remote control by threat of harsh reprisal, rather than direct government..." The public display of gruesome death to those who had opposed the Aztecs acted as a powerful deterrent to opposition. As was noted in the chapter on warfare, when emissaries went

out to demand submission from a targeted group, they tried to impress on the people the miseries a war would bring. Death on the sacrificial stone was a poignant misery that could be anticipated by those who did not accept their subordination.

It is not difficult to see, if one looks at the history of development of the Aztec society, why this particular form of terror was adopted. The cultivation of an image of indestructibility and the expert use of intimidation were nothing new to the Aztecs. Even during the period when they were serving as mercenaries to more powerful Indian groups in central Mexico, they were already using the politics of fear to make themselves as threatening to the groups they were serving as well as to their enemies. Even at this early stage their overlords considered them dangerous. A number of incidents between the Culhuacan Indians and the Aztecs illustrate well the way in which the Aztecs had long used display to unsettle their neighbours.

The Aztecs had at one point in their history, served as mercenaries to the Indians of Culhuacan. After well serving them in a war, the Aztecs were rewarded by being given a piece of land of their own within the Culhuacan territory. However, the area they were given, Tizapan, was notoriously snake infested, and the ruler of Culhuacan was said to have given it to the Aztecs in the hope that they would be overcome by the reptiles. Characteristically, however, the Aztecs not only adapted but turned the unfavourable situation to their advantage. Snake hunting became their favourite sport and snake dishes a great delicacy (Katz, 1969:136). When the ruler of Culhuacan sent his emissaries to see how the Aztecs were faring, they found, according to Durán (1964:25):

Their fields...cultivated and in order, a temple
...built to their god, and the people...living
in their houses. The spits and pots were replete
with snakes some roasted and others boiled.

Duran wrote that the Aztecs, rather than being overcome by the snakes.
as the ruler of Culhuaca had intended, had almost totally consumed
the snakes in the area. The ruler on hearing the news told his
court:

See what rascals they are; have no dealings and
do not speak to them (Durán, 1964:31).

The Aztecs were asked by the Culhuacas on another occasion to
provide an account of the number of enemy they had slain in a battle.
Aztec warriors promptly removed the ears of all those they had killed
and presented them in a bloody mass to the ruler. The ruler called
them even at this early stage "military maniacs" and he released
them from all obligation to the Culhuas (Durán, 1964:26; Peterson,
1961:88). Durán (1964:26) writes that the ruler then told his people:

Give them everything they request. I have told
you that they are people favoured by their god,
but they are evil people. Do not anger them
for while you do them no harm they will be appeased.

The final breaking point between the Aztecs and the Culhuas is
said to have come when the Aztecs, filled with confidence from a military
victory, asked for the daughter of the ruler of Culhuacan to
be their princess. The ruler agreed and the daughter was taken with
much fanfare to Tizapan. The ruler and his dignitaries were then invited
to a feast to celebrate the festival in which this daughter was
to become a goddess of the Aztecs. Durán (1964:27) described what
happened at the end of this feast:

The king, with great confidence, arose and went to the temple. He...began to perform many ceremonies....As the room was dark he distinguished no one. Taking with his hand a brazier with fire, he threw insense into it fervently. This began to burn and the room lighted up with the fire. Thus the king suddenly perceived the priest who was seated next to the idol, dressed in his daughter's skin. This was such a frightful sight that the king was filled with terror. He dropped the brazier and rushed out of the temple...

After this incident the Culhuas drove the Aztecs from Tizapan.

The use of gruesome display therefore, was nothing new to the Aztecs. And as the empire was established and expanded, they became masters at the practice of inspiring fear. The elaborate ceremonies of human sacrifice, especially the sacrifice of captives taken in war, was only an escalation of an already well-established practice of gruesome display. Public and gruesome human sacrifice of those who had shown contempt for its authority reconstituted in the eyes of all who beheld and heard about it the power and intrinsic superiority of the Aztec state. Through this ceremony an affronted sovereign, or state, re-established its position. And it was the very gruesomeness and excess of the punishments that underscored the superiority of the power of the state. The goal of these displays was not to re-establish justice, but to reactivate power (See Foucault, 1979:48-50). The ceremonial execution of war captives had to be elaborate and severe. For, as Foucault (1979:50) notes, public physical punishment such as this:

...has to manifest the disproportion of power of the sovereign over those he had reduced to impotence. The dissymmetry, the irreversible imbalance of forces were an essential element in the public execution.

The public sacrifice, therefore, was a manifestation of force. The body of the sacrificed an opportunity of demonstrating the "unrestrained presence of the sovereign." It demonstrated the reality of the state as the superordinate power. It was also a demonstration of the falseness of the gods of those conquered, gods which had abandoned these victims. The killing of victims after or in a war had an effect, but taking victims, holding them in captivity, forcing them to walk to their own deaths, and tearing apart their bodies had a much more intense effect. The eating of these bodies as well held a particular significance regarding the power of the Aztecs. They not only killed their enemies but quite literally consumed them (See Foucault, 1979:45-57, for a discussion of the symbolic use of public physical punishments).

In the later empire the rulers of other provinces were forced to watch sacrificial ceremonies. Provincial lords as well as the lords of independent areas were invited to attend these great displays (Padden, 1967:36-37). And to decline such an invitation was to invite war. The displays were designed to impress upon these rulers that they would be wise to submit to Aztec demands or meet a like fate. Duran notes the shock and horror with which the lords of other provinces beheld these ceremonies of human sacrifice and the Aztecs' calculated intent to intimidate with them. At times rulers were even required to bring their own sacrificial victims (Durán, 1964:115, 191). "The entire land," wrote Durán (1964:108) "trembled with fear of them." The Aztecs of Tenochtitlan even came to be feared by their allies in the confederated Triple Alliance cities. Nezahualcoytl, ruler of Texcoco from 1418 to 1472, is said to have remarked to his

people, warning them to be friendly with the Aztecs: "The fury of the Aztecs is measureless, limitless" (Duran, 1964:88).

The ferocity of the Aztecs in war and these horrifying displays had the predictable effect of generating great fear among the Aztecs' neighbours (Vaillant, 1962:78). Motolinía, another Spanish friar who came to New Spain in 1524, recorded a chilling description of the sacrifice of captives taken in war:

To the top of those six poles which they had erected...they bound and crucified six male war captives. Below were more than two thousand boys and men with bows and arrows. After the ones who had gone up to fasten the captives had come down, the boys and men discharged the arrows, like rain, at the six crucified captives. Presently they went up, unfastened the half-dead victims, and let them fall from that height. Such was the crash with which they hit the ground that every bone in their bodies was broken or bruised. Thereupon the Indians subjected them to a third death, sacrificing them and tearing out their hearts. Finally they dragged them away, slashed their throat, cut off their head, and gave the heads to the minister of the idols, while the bodies they carried, like mutton, to the lords and chiefs for food (See Steck, 1951:118).

Even when the Aztecs were not engaging in the act of sacrificing victims there were reminders of human sacrifice all over the city. Gomara (1964:165), for example, described the temple to Quetzalcoatl in Tenochtitlan. Its entrance, he wrote, was a door carved like a serpent's mouth:

...diabolically painted, with fangs and teeth exposed, which frightened those who entered...

Gomara wrote that to the Christians this temple looked like "the mouth of hell." The appearance and effect of this temple reflects the extent to which the Aztecs had appropriated and perverted even the cult of Quetzalcoatl. The gentle agricultural god who,

according to legend had brought civilisation and ethics to his people, and who only wanted butterflies and snakes as sacrifice, was in the Aztec city-state housed in an intimidating temple and brought into service promoting the fearsome image of the Aztecs.

Gomara described rooms within other temples in Tenochtitlan the walls of which were covered in blood and which "stank horribly." The skull rack which the Spaniards saw in the main square itself must have been an intimidating sight. It was composed of seventy or more tall poles, each with pegs from top to bottom. On each of these pegs, Gomara (1964:167) notes, were five skulls "impaled on it through the temples...teeth outward."

It is not difficult to understand the impact such displays must have had on the minds of those who saw them, or those who heard about them later. The Aztecs went to great effort to make these ceremonies as public as possible, so that news of them spread all over the area (Padden, 1967:89). When targeted Indian groups were confronted with Aztec emissaries offering a choice of tribute or war, therefore, these images of sacrifice must have been alive in their minds. The payment of tribute, as the Aztecs intended, often seemed to be the preferable alternative to a war with the Aztecs and a possible eventual end on the sacrificial stone. The Aztec ruling class, therefore, at times gained access to new sources of surplus production without having to fight a costly war. And the horrors of these ceremonies worked to some extent to deter rebellions. Even the Texcocans, the Triple Alliance allies of the Aztecs, were afraid of opposing them. Nezahualcoytl, their ruler from 1418 to 1472, is said to have told his people:

I beg you, lords, brothers, to treat the Aztecs well....you know them: I do not have to say more regarding their ways. If you meet them on the roads and they ask for something you carry, share it with them...Should we oppose them we would only gain wars, trouble, death, robbery, the shedding of our blood, and desolation to our kingdom (Durán, 1964:87).

The more successful wars the Aztecs fought and the more captives they sacrificed, the greater was the fear of them. And the greater the fear of them the more easily they intimidated and defeated their enemies. Bernal Díaz (1963:408), for example, one of the conquistadors who arrived with Cortés, wrote that after seeing some of the Spaniards dragged up to the altar and sacrificed, he began to fear death more than ever when he went into battle with the Aztecs. He wrote:

...I remember their hideous deaths...Before I went into battle, a sort of horror and gloom would seize my heart, and I would make water once or twice and commend myself to God.

To provoke horror and gloom in the minds of the enemy even before the battle began was of definite strategic value. The sacrifices had this effect on a hardened Spanish conquistador. Their impact must also been great on the superstitious Indians for whom the capture of a chief or an evil portent was enough to demoralise a whole army (Vaillant, 1962:181).

The crucial role of intimidation in holding together the Aztec empire is nowhere more clearly demonstrated than in the way in which the Spanish were to conquer Mexico. Even though the weapons of the Spaniards were technologically superior, the conquistadors were ridiculously outnumbered. They conquered Mexico not by sheer force of arms but by demonstrating to other Indian groups that the Aztecs themselves were capable of being intimidated, and therefore able to

be overthrown. The Spaniards, for example, talked the Indians of Cempoala into taking prisoner some of Moctezuma's tax collectors. The Indians were terrified. They were astonished when the Aztecs failed to respond. Díaz (1963:112) wrote of their reaction:

The act they had witnessed was so astonishing and of such importance to them that they said no human beings dared to do such a thing, and it must be the work of teules, which means gods or demons.

Once the spell of fear through which the Aztecs dominated the empire was broken, the Spaniards were able to foment rebellion all over the empire and thus bring about its eventual collapse.

The Ideology of Human Sacrifice

Ritual ceremonies of human sacrifice not only served to intimidate surrounding Indian populations into exploitative relations advantageous to the Aztec ruling class; they were also a powerful symbolic statement of the centrality of the Aztecs as a people, as a polity, and graphically represented their position as a chosen people. Wolf (1982:83) maintains that a hallmark of tribute based societies is their tendency to claim supernatural origins as a means of validation. Domination in such societies is, in Wolf's words: "inscribed into the structure of the universe." The ideological model is characterised by "a hierarchical representation of the cosmos in which the dominant supernatural order, working through the major holders of power, encompasses and subjects humanity." The Chinese emperor, for example, was thought to hold a mandate from heaven to ensure the balance of heaven and earth. Similarly, the Aztec ideologists led by Tlacaehel, proclaimed that the gods worked through the

Aztecs to ensure the continual movement of the Sun, by the sacrifice of human beings.

By constructing such an ideological model the ruling class, or the surplus takers, provided a rationale for their own exploitation as well as a rationale for the exploited, and the ideological system, thus created, served to obfuscate the real relations between the surplus takers and the dominated producers. Exploitation was thus transformed into a matter of divine will rather than public power. Through this ideological system the ruling class invited the exploited producers into relations with an effective polity which held a divine mission. The subject producers were invited to win merit with the gods by controlling their own behaviour in concert with the rules laid down by the dominators. In Mexico the Indians in surrounding groups, and indeed the direct producers within the city-state, were asked to enter into exploitive economic relations as part of a divine plan. The Aztec ruling class, therefore, constructed a complex religious justification for their own exploitation of direct producers and human sacrifice was the act which symbolised their right to exploit - their chosen position at the centre of the cosmos. After the fall of Atzcatpotzalco, Aztec ideologists revised and modified ancient legends so they justified and promoted the idea of the cosmic mission of the Aztecs. They proclaimed that the eventual cataclysmic end of the present sun, or age in which the Aztecs were living, could be forestalled through the sacrifice of human beings. This way of conceiving of the natural order placed the Aztecs in a strategic position as guardians of the cosmos involved in a divine mission.

The elevation of Huitzilopochtli, who at one time was only a

minor god, one among many, to a position of pre-eminence within the Aztec pantheon was part and parcel of this process. Huitzilopochtli was proclaimed omnipresent and indispensable, the Lord of Creation, to whom sacrifices must be made to keep the sun moving. Through sacrifices the sun was to be made stronger in its journey during the night. The new sacrifice dogma was not a crude construction but interwoven into the complex traditional system of Aztec belief. Central to Aztec thought was the concept of dichotomy between matter and spirit and this concept was used to construct the legend that continued existence was dependent on the sacrifice of human beings. It was asserted that the sun, dead unmoving matter, was originally set in motion when a small god threw himself into the flames as a sacrifice. In order to keep the sun in motion, therefore, spirit and matter had to be continually reunited. The sacrifice of humans was to be this symbolic reuniting of opposites which kept the sun moving. According to this new interpretation it was the duty of the Aztecs to sacrifice, and the duty of their victims to be sacrificed. This "cosmic mission theory" as Padden (1967:35) terms it, provided a religious imperative for continual warfare, expansion and sacrifice.

According to the new religious precepts, the Aztecs had been ordained to keep the sun, the giver of life, in motion. They had, therefore, to fight wars in order to secure victims or the world would come to an end. The cosmic mission legend, therefore, provided a religious justification and motivation for warfare which economically and politically benefited the ruling class and the state which represented its interests. The leaders and priests, the ideologists of the state, provided a religious rationale for state action.

Séjourné (1976:35) maintains that Aztec nobles thought of human sacrifice as merely a "political necessity." And the Aztec state did display a certain practicality in the way in which they conducted wars and sacrifices. On one occasion, for example, when the Aztecs had taken captives in a very distant province they decided it was too much trouble to bring them back to Tenochtitlan to be sacrificed, so - sun or no sun - they were slaughtered on the spot (Durán, 1964: 202-203). And even though the Aztec nobility fought in numerous wars, the members of the Aztec ruling class were not lining up to be sacrificed in order to become 'feathered birds' accompanying the sun across the sky. Séjourné (1976:35) comments:

The Aztec nobles were never themselves impatient to achieve the solar glory in whose name they were slaughtering humanity. Their lust for life equalled their desire for power.

In fact, as has been noted, human sacrifice, by and large, consumed the lives of those in subordinate groups - prisoners of war, slaves, women and children. Séjourné (1976:35) notes, sacrifice was not the privilege of the elite, but the fate of "inferior beings." The cosmic mission theory, therefore, was effective to some extent in justifying state action but was not wholeheartedly accepted by all members of the society. Séjourné (1976:44) maintains that it has been taken much more seriously by contemporary historians than by the people of MesoAmerica at the time. This is to some extent an overstatement since this complex ideological presentation had definite effect on the lives of the peoples of MesoAmerica, but there were also evidently segments of the population which did not totally accept the validity of the presentation. Sahagun, for example, wrote that:

...the parents of the victims submitted to these practices (shed) many tears and (responded) with great sorrow in their hearts (Quoted in Séjourné, 1976:15).

There were also precautionary measures taken to deal with those sacrificial victims who did not happily accept their fates and, seized with panic, attempted to escape (Séjourné, 1976:15).

There is some indication that by the time of the Spanish conquest the practice had reached such proportions it was becoming dysfunctional (Padden, 1967:37; Vaillant, 1962:78). During the reign of Moctezuma I, Tlacaelel, according to legend had told the people:

...we will never lack victims...
Our god will not be made to wait until new wars
arrive.
He will find a way, a market place where he will
go
To buy victims, men for him to eat. They will
be in his sight
Like maize cakes hot from the griddle ready for
him who wishes to eat (Durán, 1964:140).

But by the time of the reign of Moctezuma II, the ritual had reached a sort of frenzy level. Padden (1967:99), for example, estimates that at the height of the empire, one hundred to three hundred plebians were sacrificed at the death of every noble. When one great Texcocan ruler died, two hundred male and one hundred female slaves were sacrificed (Bosch García, 1944:44). And sacrifice became over time not just a state activity, but the activity of private individuals (Séjourné, 1976:11). Merchants, for example, brought slaves to be sacrificed in the marketplace and went through elaborate ceremonies in which the victims were dressed in fine clothing and forced to dance with the purchaser so that the merging of the two identities could be established and the merchant could be assured of the heavenly credit for the transaction (Bosch García, 1944:41-42, 83-84).

Francisco de Aguilar (1964:163), a conquistador who came to Mexico with Cortés and later became a Dominican friar in Mexico, noted the immense amount of power the priests and religion came to have on the minds of the Indians in the later empire. He describes Indians squatting on their heels in the courtyard before going to worship their gods, sobbing and weeping and asking forgiveness of their sins. The priests, as described by Aguilar, were fearsome to behold. He wrote:

They went about very dirty and blackened, and wasted and haggard of face. They wore their hair hanging down very long and matted, so that it covered them, and went about infested with lice (Aguilar, 1964:164).

These priests walked about the city in long black robes, blood clotted in their hair, and frequently deformed themselves by perforating their tongues with knives (Steck, 1951:30). Not only priests but other members of society began to perform auto-sacrifices, penitential self-infliction of wounds. Bones were often used to pierce the ears, or tongue, or penis, and then twisted cord, thread, or wood slivers passed through the holes (Peterson, 1961:149).

Aside from the rise of this sort of self abuse there were much more practical reasons why the extent to which sacrifice was taking hold of society might have been a concern to the state. The demands for sacrificial victims from the tributary provinces were becoming a source of discontent. And, subject peoples were beginning to complain about the elaborate and prolonged nature of the sacrificial deaths (Padden, 1967:91). Séjourné (1976:39) describes Moctezuma II, the ruler in power at the time, as "...the representative of a system grounded upon beliefs which were...being thrown into doubt."

It is probable that an act which had originally been intended to

symbolise the state's might and involuability to justify empire expansion, and to function as an effective form of terror, generalised in unexpected ways. Among some segments of the population the elaborate state ceremonies prompted an increase in violence which took on a fanatical tone, while other segments of the population looked askance at these practices and complained bitterly, such as those Indian groups in surrounding territories who were being called upon to provide most of the victims. As Foucault (1979:9) notes, the public ritual of torture and punishment, while demonstrating the power of the state or sovereign, can at times turn the victim into an object of pity and provoke violence itself. "The very excess of the violence employed." Foucault (1979:34) writes "is one of the elements of its glory." But, it is this excess of violence that can, as well, provoke profound and sometimes violent response in those who watch.

It is conceivable that the state itself would have taken some action to tone down the frenzy of human sacrifice and thereby avoid risking an open conflict with surrounding groups. But it is also conceivable that they would or could not. The empire, though strong, was still in the early part of the sixteenth century. under threat of rebellion from its own tributary provinces and take over by other unconquered tribes (See Peterson, 1961:103). Whether or not the response to these threats would have been a further increase in human sacrifice in an effort to ward off potential challenges, or a decrease is impossible to guess. The Aztecs had previously allowed their posturing and fear mongering to reach dysfunctional levels. Their display of the flayed skin of the ruler of Culhuacan resulted in their being driven from Tizapan. The path of development of this

particular practice is unclear and the Spanish conquest cut short any answers.

Summary

Human sacrifice did not have a direct economic benefit in the way in which warfare did. A war of conquest yielded a tributary province, and therefore booty, tribute and trading agreements, and on some occasions labourers to work for the ruling class and the state. Human sacrifice, however, as a form of state terror had the effect of helping to maintain these economic relations. The key to understanding the role of Aztec human sacrifice within its social context is understanding the importance of politics within the social formation and the centrality of political mechanisms in maintaining the particular set of economic relations which characterised the empire.. The position of the Aztec state at the apex of political power in Mexico, and therefore its ability to enforce a particular distribution of the means of production and the social product, was maintained primarily through political means. The Aztec ruling class forged an empire and a particular set of economic relations which were to their advantage partly through military force, but partly as well through the expert use of intimidation. Aztec ceremonies of human sacrifice were made into public displays, which were designed to strike fear in the minds of their enemies and their allies alike - to intimidate other groups either into assuming a position of political and therefore economic subordination or remaining in such a position.

The ideology constructed to support human sacrifice was part of a wider reinterpretation of religious beliefs which gave the Aztecs

the status of chosen people - a special group singled out by divine will to carry out a mission. The ideology, therefore, served to make political domination a matter of spiritual destiny and obfuscate the real power relations at work in the central valley. The ideological system served its purpose at least in motivating the Aztecs themselves if not their neighbours. Whether or not it would have eventually been their downfall, is not possible to determine.

CHAPTER V

FORCED LABOUR IN AZTEC MEXICO

By the time of the third phase of development of Aztec society, that of the later empire, the Aztec warrior elite had successfully separated itself from the masses of the people and become established as a ruling class. The fruits of the production of the labouring class, then, were a necessary condition of the existence of this non-labouring class. The warrior elite had transformed itself into a class of surplus takers which depended for its economic support on the appropriation of the production of both the Aztec direct producers and the direct producers of surrounding Indian groups. Accompanying and necessary to this transformation was the rise of the Aztec state and its coercive apparatuses (the law and the army in particular) to enforce the economic arrangement in which the ruling class lived off the appropriated surplus of the direct producers. For in the later empire, surplus appropriation was enforced by means of extra-economic coercion, i.e., through political domination, physical force and intimidation.

The crucial event in the transition of the warrior elite into a ruling class came with the distribution of land after the war with Atzcatpotzalco. Before the Tepanec war the warrior elite was already to some extent supported by Aztec direct producers. The warriors, however, at this time had to depend on the compliance of the Aztec producers with this economic arrangement. There were no coercive

mechanisms to enforce the distribution of surplus in this particular way. The wider populace at this time still participated in the decision making about how much of their produce was to be designated as 'surplus' and how much of it was to be used to support the warrior elite. The wider population, at this time, therefore, still retained some means of controlling what the warrior elite did.

After the Tepanec war, however, the Aztec warrior elite took over the former Tepanec lands, distributed them among themselves, and forced the then subject Tepanec population to work these lands for them. The warrior elite, therefore, at this crucial juncture, established for itself a source of economic support which was independent of the producers within the Aztec city. And since the warrior elite no longer had to secure its economic support wholly from the Aztec producers, it gained a certain degree of independence from these producers and did not have to depend so completely on the compliance of the Aztec populace with its decisions. Over time the warrior elite was to use this position of independence to take more and more control away from the masses in their own group. Consequently the influence of the direct producers in decision making was eroded and the warrior elite developed the coercive apparatuses of the army and the legal system to solidify their position. The Aztec warrior class began to conduct wars, make laws, and distribute land without the agreement of all the people. And this expansion of power not only occurred outside the city-state, but within.

Fundamental to understanding the crucial nature of this pattern of land distribution after the Tepanec war - this concrete historical struggle on the part of the warrior elite - is the recognition of its

importance in setting in motion a change in the relations of production which were to come to characterise the society. The change began as a change in the nature of the political and economic relationship between the Aztec warrior elite and the conquered Tepanec peoples. But over time these changed relations were to extend to affect the relationship between the Aztec warrior elite and the Aztec direct producers.

The warrior elite in the Tepanec war had conquered by force an outside group. They then claimed for themselves land, labour, and tribute from the subject Tepanec peoples by right of their position within the dominant polity. Land, labour, and tribute were extracted from the Tepanecs through force and distributed by the Aztec ruler as the representative of the dominant polity. The warriors did not receive or claim the appropriated land and labour and surplus product for themselves as individuals, but by right of their relationship to the Aztec state. Theoretically all the land taken after the Tepanec war belonged to the ruler, who embodied the new state system. And it was the state which awarded land to individual warriors as a reward for their services. The ruler, then, as the embodiment of the state, became the primary proprietor in the society. Some of the Tepanec land was set aside as 'public land' and the produce from this land was designated to support the ruler, the state, and its functions. The state distributed other lands to particular warriors who had fought in its interests. Individual warriors held their rights to the land and the labour of the peoples who occupied it through their position in relation to the state.

At this point, therefore, the state was established as the

location of power in the appropriation and distribution of productive property. The Aztec state, representing the new ruling class, expanded its power over other Indian groups and used the army to force these groups to render up tribute and labour services to the state. Over time the state established legal mechanisms to enforce the extraction of surplus from its own labouring class. By the time of the later empire, therefore, the support of the warrior elite was no longer a voluntary act on the part of the Aztec labourers. The appropriation of land and the fruits of production of the labouring class inside Tenochtitlan was now enforced by the legal apparatus, as it was enforced by the army on outside groups.

Warfare, the inequitable distribution of land in conquests, and the rise of the state and its coercive apparatuses, therefore, radically changed the society. Whereas formerly surplus had been freely awarded by members of Aztec society for various purposes they considered important, such as the support of a warrior group; now surplus was extracted from these labourers who had little, if any, control over that extraction and who were forced by the coercive apparatuses of the state (the law and the army, for example) to comply with this arrangement. In the later empire within the city-state individuals were required by law to give up part of their produce as tax or tribute to the state. Additionally more and more of what had formerly been calpulli land was taken over by the state and labourers were required to spend some of their time working this as well as their calpulli land to support politically designated categories of people such as the ruler, judges and priests, or state functions such as warfare. The rendering up of this tribute and

labour were mandatory and the legal system provided severe penalties for noncompliance.

Outside the city-state, individuals were also required to pay specified tribute, and often as well to spend some of their time working on lands designated by the Aztecs as 'public land.' Additionally in some conquered provinces large tracts of land were awarded to nobles and the peasants who had formerly held these lands were required to work as renters or serfs (Vaillant, 1962:103). Other individuals were made slaves and awarded to nobles, or required to work state lands. While the Aztec legal system had authority primarily within the city-state, tax collectors assigned to conquered provinces could punish, for example by making slaves, those who failed to meet their tribute requirements (Prescott, 1922:29). If a conquered group as a whole refused to supply tribute or perform their labour on lands set aside for the nobility or the crown, the army was sent out to put down what was considered a rebellion. There was, therefore, after the rise of the Aztec state nothing voluntary about the rendering up of surplus production to the state or the performing of labour services required by the state. Agricultural produce and labour both inside the city-state and without were appropriated through force and distributed to politically designated categories of people and politically designated functions.

The ancient mode of production is often based on a multiplicity of economic forms - slavery, tax-farming, tribute, debt bondage, helotry, clientage, booty, etc. (Hindess and Hirst, 1975:81). In Aztec Mexico this was also the case. Peasant producers who still held land through their calpulli, worked the land and paid tribute

to the state by giving up part of their produce. Other peasant producers laboured on land set aside specifically for the state, its functionaries, and its activities. Still other peasant producers worked lands set aside for the support of nobles. Labourers who had lost their land entirely through warfare and subsequent land appropriation remained on the land as serfs, paying for their right to occupy the land by means of a rent in either produce or labour. Other individuals were legally designated as slaves and required to work for masters. At times people were drafted as labourers and used by the state in the construction of causeways or ceremonial buildings. Artisans, craftsmen and merchants were separated entirely from direct production and made their living by trading in merchandise of their crafts.

The application of the terms 'free' and 'forced' to these different forms of labour is not unproblematical, and as Nichols (1980: 78) notes, and the very application of these terms to different forms of labour is a powerful polemical device. Forced labour is generally thought of as unremunerated labour performed under direct coercive supervision. Supervised slave labour in mines, for example, is illustrative of this conventionally understood sense of the term. But Marx used the term 'forced labour' in a much wider sense. He maintained, for example, in The Economic and Philosophical Manuscripts (Sections translated in Bottomore and Rubel, 1979:176) that any labour which was not voluntary but imposed was forced labour. In Capital, Marx called the labour a serf performed on his master's land, forced labour (Marx, 1978:462), and maintained that even the surplus labour obtained by the capitalist from the wage labourer "...in essence...

always remains forced labour..." (Quoted in Nichols, 1980:74). The force, therefore, used to extract labour does not necessarily have to be direct physical coercion in order for the labour to be considered forced.

Forced labour, narrowly defined as unremunerated labour performed under direct coercive supervision, played a minor role in Aztec economic organisation. The drafts of labourers used to construct works projects such as temples, palaces, and causeways were the only category of labourers which fits this definition. There was, however, force or coercion present in the wider sense in other labour forms. Indeed to some extent, all labour the produce from which went to support the Aztec ruling class and the Aztec state can be seen as forced labour since it was not voluntary. Inside the city-state the peasant producer was required by law to render up part of his production to the state, or to spend some of his time working state lands. The legal system required this labour to be performed and severely punished noncompliance. Outside the city-state, the threat of warfare or the army directly ensured that peasants performed these labours. Slaves were designated as such by the state and there were legally proscribed penalties for those who did not labour for their masters. When the Aztecs conquered other territories and took over lands inside these territories, the people who occupied these lands had little choice but to then work for the Aztecs as serfs if they were to remain on the land. So even the labour forms which did not involve direct coercive supervision can be thought of as forced labour since the people performing this labour did not do so voluntarily.

The focus of concern in this thesis, however, is organised state

violence, institutionalised state action which brought about direct physical harm. Labour may be forced or coerced without necessarily involving direct physical harm to those who perform it. In fact, although much of the labour in Aztec Mexico performed to support the state and the ruling class was involuntary, it was not particularly violent in a narrowly defined sense especially as contrasted with the violence of labour in Conquest Mexico which will be discussed in later chapters. But the central argument of this thesis is that organised state violence is conditioned by the structure of the social formation and the structure of the social formation is conditioned, in the last instance, by the economy. So just as the rampant violence of labour forms in Conquest Mexico will be interpreted in terms of the structure of the economy mediated by the other levels of the social formation, the rather milder forms of violence involved in the labour process in Aztec Mexico is interpreted in the same way. For, the violence involved in labour forms in Aztec Mexico was conditioned by the structure of the social formation which for various reasons placed limitations on the violence with which labour forms could be pursued. So in the following sections, the primary types of forced labour performed for the state in Aztec Mexico and the structural limitations placed on the violence with which the labour could be pursued, will be discussed.

The Independent Peasant Producer

Although, as has been noted, the ancient mode of production is frequently characterised by a multiplicity of labour forms, the predominant form of the labour process is the individual peasant

producer who works the land under a variety of "...more or less oppressive external conditions" (Hindess and Hirst, 1975:83). The continued existence of the ancient mode of production does not depend on a separation of the producer from the means of production, the land, or on labour forms based on more complex forms of cooperation. It depends primarily on the appropriation of surplus from direct producers who still possess the means of production, the land. Where other forms of the labour process emerge, involving complex cooperation and division of labour, they do so only in certain specialised sectors which are primarily maintained through the intervention of the state (Hindess and Hirst, 1975:83-84). The development and maintenance of these complex labour forms depends on the production of the peasant producer.

Continued appropriation of surplus production and labour from direct producers in the ancient mode of production depends first on the production of the conditions of citizenship and second on the legal and political mechanisms of subordination. In Aztec Mexico the Aztec ruling class in order to maintain itself as a non-labouring class of surplus takers, had to ensure that the Aztec city-state itself remained a polity, and to ensure the dominance of this polity over an exploited labouring group. It is not an invariant feature of the ancient mode of production that the ruling class exploit the direct producers who are citizens of their own polity. They may or may not do so (See Hindess and Hirst, 1975:83-85). In Aztec Mexico, however, the organised body of citizens who were the possessors of the ruling state did exploit their own labouring class. They, therefore, depended for their economic support on reproducing conditions of dominance over the labouring class outside and inside the

city-state. The mechanisms through which the ruling state enforced these relations of dominance were primarily political. As Hindess and Hirst (1975:82) note:

...the extraction of surplus-labour by citizens and the distribution of productive property (especially land) take place by means of mechanisms articulated on the political and legal apparatuses of the state.

So the political and legal apparatuses of the state worked to reproduce conditions under which direct producers continued producing and the state continued to appropriate their production. It was the necessity of reproducing these conditions of existence of the mode of production that placed limits on how violent labour exploitation could be. The violence with which labour forms could be pursued, therefore, was inscribed in the structure of the social formation.

The physical harm brought about by tribute and labour requirements on peasant producers was indirect, in that at times the level of these requirements left the peasants in a state of virtual poverty. The Indians in the subject provinces, for example, complained bitterly to the Spanish of Aztec tribute and labour requirements. Díaz (1963:210) wrote that when the Spaniards arrived in Mexico, the Indians in vassal states said that the Aztecs made them work like slaves. Within the city-state, the labour requirements were, as Gómara (1964:166) wrote, a "heavy burden." Gómara noted that the great temple of Tenochtitlan alone housed some five thousand people who all ate and slept within it, and that the labourers of many towns as well as those of Tenochtitlan were obliged to support this priestly population. Sahagun maintained that the oppressive weight of religious tribute requirements provoked some of the Indian peasants to

court their own deaths. The demands, he wrote:

...gave rise to much distress; it caused anguish; it affected them. And some therefore fled; they went elsewhere. And many flung themselves in the midst of war, they cast themselves to their deaths (See Keen, 1971:21).

Tribute demands, therefore, were burdensome and brought about indirect violence to the Indian labourers both within and without the city-state. But the structure of the social formation placed limits on just how violent these demands could be. The extent to which tribute and labour demands were pursued was a matter of continual assessment and reassessment on the part of the Aztec state. The intent was always to extract as much tribute and labour as possible while still continuing to reproduce the conditions of existence of the economic system as a whole. At the most basic level, if tribute and labour demands reached the point where the peasants were left without a means of reproducing themselves, the conditions of existence of the economic system could not be reproduced. Without the peasants there would be no production to support the state and the ruling class; there would be no surplus to appropriate. It was simply not feasible, therefore, for the Aztecs to place such heavy tribute and labour demands on the peasants that they worked them to death.

The argument here is not that the Aztecs could not have attempted to extract so much tribute and labour that they worked the peasants to death. They could have made such an attempt. What is being argued is that such an attempt was not politically practical, i.e., they could not have done so without destroying the conditions of existence supporting themselves as a ruling class. The Aztec state

remained a ruling class through the long term appropriation of surplus production and therefore the long term production of the peasant.

Evidence for this concern to maintain continuing production has been noted primarily in the discussion of warfare. The Aztecs, for example, attempted to avoid war if they could secure tribute through intimidation. And even when they warred, they attempted to minimise the devastation that warfare reaped so production could resume shortly afterwards. When regions were devastated in warfare as a punitive measure the Aztecs attempted to repopulate the areas with their own citizens to take advantage of the productive capacity of the area. The same concerns for tempering the violence of the state can be seen in the lessening of tribute demands on regions where, for example, there had been a famine or on individuals when they had been ill. A tribute collector could release an individual of tribute requirements due to illness, but not due to laziness. The necessity of maintaining the production on which the economic system depended therefore, placed a brake on the extent to which tribute and labour demands could be pursued.

Over and above this most basic level, the fact that the peasant producers still, by and large, controlled the means of production - the land - in their own hands also placed a limitation on the extent to which tribute and labour demands could be pursued. The peasants did not own land in the sense that it was private property which could be disposed of at will; they held the land through membership in the tribe. But the peasants still occupied the land. The Aztecs did not hold a monopoly on land. And although they controlled certain parts of it, they were far from being able to control generally the

access to the means of production by denying the majority of the labourers a means of supporting themselves. The Aztecs, therefore, maintained the system of tribute and labour payments not by controlling the means of production, but through extra-economic forms of coercion - through political domination, force and intimidation. And, there were limits to how effectively such extra-economic forms of coercion could maintain relations of subordination. The Aztec state had to continually balance off increased tribute and labour demands against the possibility of the rebellion of those they exploited.

Within the city-state the severity of tribute demands was held in check partly by the necessity of maintaining the loyalty of the people. The Aztec state could not afford to gamble too freely on the support of their own citizens. These citizens had to be relied upon to fight the wars that kept other groups in submission. The tribute demands were therefore, less severe on the citizens of the Aztec polity than on those in outlying territories. The main burden for supporting the social edifice, then, fell on outside groups. But even with these outside groups there were limits as to how far demands could be pursued. The Aztecs did not generally leave a military presence in conquered territories to organise labour or enforce tribute requirements. If labour and tribute demands became intolerable, therefore, they were likely to provoke rebellion and an attempt by the people in the tributary provinces to oust the Aztecs. Such rebellions did occur but the Aztecs were generally able to contain them.

The continued existence of the domination of the Aztec ruling class, and therefore their position as surplus takers, depended on their maintaining an effective polity, a city-state, and maintaining

the position of dominance of this city-state over surrounding Indian groups and over its own direct producers. This placed limits on the violence with which exploitation of the independent peasant producers could be pursued, and these limits were inscribed in the conditions of existence of the mode of production.

The Renters

The conquests of foreign territories gave rise to another labour form - that of the renters or serfs. When the Aztecs conquered other provinces, land was set aside the produce from which was designated for the support of the state, its officials, and its activities. The state also awarded land to the great warriors who became the Aztec nobility. In some cases these lands were worked communally, but in other cases the segment of the population made landless by these conquests remained on the land as serfs, paying a rent to the state or a noble for their occupancy of the land. These people were tied to the soil but not considered slaves. They could not leave the land, but were like bondsmen (Peterson, 1961:115).

The development of this form of labour was due to a number of circumstances. First, when the Aztec state conquered a province it seized the best lands available (Peterson, 1961:172). The people who had previously worked the land had to be either reabsorbed within the remaining calpulli land of their tribes or remain landless. Since the remaining land was less productive, this reabsorption might not always have been possible and the displaced thereby had little choice but to remain on the land as renters. Wolf (1982:95), for example, notes the pressures brought to bear on outside groups

by tribute based societies since it is often difficult for displaced groups to escape to unoccupied areas where they can avoid competitors.

Katz (1966:37-38) points out that the practice of awarding land to individuals which was then rented, occurred most frequently in regions which persistently rebelled against the Aztecs. It was, he argues, the exception rather than the rule and was a punitive action. The awarding of these plots of land to the nobility which was then rented ensured a greater Aztec presence in the area (Thompson, 1933: 61), an important consideration in a highly suspect tributary province. Additionally the awarding of these lands provided a flexible system for rewarding the nobility (Vaillant, 1962:103), and could be used as a promise to deter widespread looting and destruction. Durán (1964:79), for example, notes that warriors were prevented from sacking the city of Xochimilco but appeased by being awarded plots of land after the state had extracted what it wanted.

Padden (1967:93-94) estimates that by the time of the assumption of power of Moctezuma II one third of the population, exclusive of slaves, were serfs. Gomara (1964:154) wrote that tribute demands on this renter class were severe, often leaving them with nothing more than a pot for cooking, a stone for grinding maize and a mat to sleep on. He noted that the owners of land paid a third of their yearly produce to the empire while the renters paid "whatever they must." The exploitation of the renter class, therefore, seems to have been somewhat more severe than that of the peasant producers who still held their own land. But, even with the renters there were the same two levels of limitation on how violent this exploitation could be.

On the one hand, the appropriation of surplus by the nobility depended on the continued reproduction of the renters themselves, and second rebellion or the abandonment of the land itself could result from overburdensome demands. It was perhaps easier to exploit the renters since they had been somewhat separated from the calpulli structure. But they still remained on land which was within a conquered province and could join with their tribesmen in a rebellion.

Slavery

The constant warfare, conquests, and take over of lands worked to produce another landless segment of the population, which were made slaves. These slaves performed essentially three tasks within the empire; they were used to transport materials (since there were no draught animals this was a considerable function), they worked in the fields, and some provided personal services in the houses of their masters. It is difficult to talk about slavery as a unitary labour form, since there were a variety of types of slaves and treatment of slaves varied considerably. (See González Torres, 1976:78-87 for a discussion of the various types of slaves and the methodological problems associated with defining the different statuses of slaves).

Certain characteristics, however were common to most forms of slavery. There was, for example, never chattel slavery in Aztec Mexico. No slave was the property of his master, an object to be disposed of at will (Chevalier, 1963:22). The class of people discussed as slaves were not juridically non-persons or objects without rights. The owner of a slave did not have total control over the slave's production or his life. The slave was protected juridically from

mistreatment and ensured certain basic rights (Katz, 1966:142-143). Slaves were, for example, allowed to have families, possessions, and even slaves of their own. Some slaves lived in their own houses. Slaves had legal status before the courts and they could as individuals appear before the courts to make a claim that they had been made slaves unjustly.

Within the city-state, there seems to have been a rather mild form of slavery, entered into lightly by individuals. This slavery was more a sort of mutual agreement for exchanged privileges. One person might, for example, agree to become a slave of another for a short period of time in exchange for the use of a possession. This form of slavery was not a harsh affair and one which occurred quite frequently. The most numerous class of slaves, however, in the later empire had sold themselves into slavery due to some sort of economic pressure (Lopez Gallo, 1976:96). This was especially common in times of famine (Leon-Portilla, et. al., 1964:64). In the famine of 1454, for example, Durán (1964:147) wrote that many families sold their sons and daughters to the wealthy. Some individuals sold themselves into slavery after being financially ruined from gambling on ball games. Women who had given themselves freely and were then devalued by the society might also sell themselves as slaves. Men who had not worked their calpulli land allotment for two years and had had their land taken from them, might sell themselves to another person to ensure their upkeep (See Gomara, 1964:145). Both inside and outside the city-state, individuals sometimes sold themselves or members of their families into slavery to meet tribute demands (Bosch García, 1944:36-37). Those who sold themselves could receive a price and

and remain at liberty until they had exhausted this price and they could regain their freedom by paying back the price paid for them.

These slaves were in a somewhat different category from people made slaves as a punishment by the state. The slavery of criminals or prisoners of war was not a mutual agreement but a harsher and more permanent status (Lopez Gallo, 1976:96-98). Those who did not meet their tribute demands could be enslaved by the tax collectors. The state also could sell an individual to recover a tribute that was unpaid. Gomara (1964:155), for example, maintains that the tribute collector could defer payment if failure was due to illness, but if it was due to laziness the offender could be taken as a slave and sold or even sacrificed. The sacrifice of slaves, however, affected only a very small percentage (Borah, 1982:271). Not only debts to the state were settled by slavery but even personal debts could be so settled. Bosch García (1944:58), for example, notes that those who took goods and did not pay for them could be enslaved and also those who owed for a medical cure. If an indebted person died, his creditors could enslave a member of his family to recover the loss.

The violation of a number of laws resulted in slavery. If, for example, one man killed another, the wife of the victim could pardon the offender and make him her slave. If a man murdered a slave, he might, depending on the inclination of the master, be made a slave to replace the dead one. Theft sometimes resulted in slavery and also rape. Slavery was also the punishment for selling into slavery those who were legally free. Both the buyer and seller of free children, for example, such as the children of slaves, were made slaves

and given to those harmed by such an act (Bosch García, 1944:50,62-67).

Captives in war were very seldom made slaves (Katz, 1966:147) and usually ended their days on the sacrificial stone. When they were used as slaves, it was usually for a temporary period of time. They formed a completely different legal category and had none of the rights and privileges awarded to slaves. They could not, for instance, be brought and sold in the market place (Bosch García, 1944:40).

The ever increasing tribute demands of the Aztec state were an important factor in the growth of slavery. Outside the Aztec city-state, slaves were often a part of a tribute settlement. A conquered region might agree to provide a certain number of slaves periodically to satisfy their tribute commitments to the empire. Durán (1964:129-131), for example, mentions that when regions lacked products desired by the Aztec ruling elite, they sometimes paid their tribute in slaves.

There were strict rules regarding the treatment, rights of slaves, and conditions for becoming a slave. Numerous writers (See Bosch García, 1944:74; Soustelle, 1961:73-78; Borah, 1982:271; Moreno, 1931:84) maintain that Aztec slavery was a tolerable condition. Mendieta y Nuñez (1921:185), for example, maintains that Aztec slavery was generally less severe than that of the old Romans. And there were a number of ways in which some categories of slave might regain their freedom. A slave who had sold himself, for example, might pay his master the price paid for him and therefore gain his freedom (Lopez Gallo, 1976:96). One member of a family serving as a slave might be freed on the death of his master, or freed by the ruler. If a slave was about to be sold, he might escape from the

market place. If he did so, he could be stopped by no one except his master and the master's son, if he reached the palace, he had earned his freedom (Bosch García, 1944:74). There were no proscriptions about marrying slaves, for men or for women. Wealthy widows, for example, sometimes married one of their slaves (Lopez Gallo, 1976:97), and a slave once married to a free person became free (Bosch García, 1944:74).

As was noted, slaves were never in Aztec society considered as non-persons to be disposed of at will, and numerous writers maintain that relations between masters and slaves were not harsh (Borah, 1982:271; Vaillant, 1962:97). There were festivals at specific times of the year to celebrate the relationship between masters and slaves. Masters gave gifts to their slaves and master and slave sat down together and ate a meal (Lopez Gallo, 1976:97). Torquemada, however, maintains that these feasts were designed to make the slaves forget their burdens and the bad will that had grown up between them and their masters during the year in order that they serve their masters better (See Bosch García, 1944:80-81). And the laws about the mistreatment of slaves indicates that there were abuses. Bosch García (1944:61) in his study of Aztec slavery, mentions that at times it was pretended that an Indian had not paid his tribute requirements on time and was sold into slavery. López de Gómara (1625:1120) maintains that tribute collectors sometimes took the daughters of people for pleasure and that the fear of these tax collectors was so great that no objection was made. The laws against selling free children into slavery also indicate that this practice went on. Gómara (1964:115) maintains that the Tlaxcalans sometimes sold themselves into

slavery to acquire the salt and cotton denied them due to Aztec trade restrictions. Díaz (1963:154), however, wrote that what actually happened was that emissaries went out to trade for salt and cotton, and they were either killed or made slaves by the Aztecs and their allies. So the voluntary nature of slavery even when people 'sold' themselves is subject to question. Slaves were also sometimes a likely category for sacrifice. Durán (1964:175) notes that in the later empire, slaves were burned with the body of a dead noble. And Motolinía (See Steck, 1951:119) noted that slave children were sacrificed in a ritual to Tlaloc in which they were placed in a cave which was then sealed up.

It is difficult to determine just how many slaves there were by the time of the Spanish conquest or in what category of slave status most slaves were. Bosch García (1944:29) maintains that there were very many slaves by the time of the later empire and that the work this class performed was one of the main supports of the economy. Díaz (1963:232) noted that when the Spaniards came to Tenochtitlan there were many slaves on sale in the great market. Katz (1966:232), however, maintains in an analysis which takes into consideration the structure of the Aztec economic system as a whole, that slavery did not play a decisive role in the economy. As González Torres (1976: 78-87) points out, much of the confusion about this issue arises from the translations made by the chroniclers of Nahuatl terms into Spanish. Unfamiliar with the intricacies of Indian usage, several categories of labour status in the society were often all translated into the Spanish word 'slave.' The level of production and organisational capacity of the society limited how many slaves could be

supported within the economic system and this limit was rather small. As Katz (1966:146-147) notes, the destruction of so many captives in ceremonies of human sacrifice is evidence that the social formation could more easily sacrifice these captives than support and organise them as slaves or forced labourers.

The Labourers

Narrowly defined forced labour—unremunerated involuntary labour performed under direct coercive supervision—was used to a limited extent within Aztec society. The mobilisation and supervision of large numbers of labourers takes a great deal of organisation. Such organisation was not beyond the capacity of the Aztecs, as has been noted. They did use such a labour force to construct the mammoth ceremonial buildings in Tenochtitlan. There were limits, however, given the productive and organisational capabilities of the society, to how widespread this form of labour could become. Groups of forced labourers have to be brought together, organised to work, supervised, controlled, fed and housed. The society using such a labour form as a primary support of the economy has to be able to organise and support large numbers of labourers. Therefore, the productive and organisational capacity of the social formation structures the degree to which such a labour form can be used.

Forced labour, even though it existed in Aztec society, existed only in a rudimentary way. It was almost exclusively used to construct ceremonial buildings within the city-state where it would be easier both to support and control such large groups of labourers. The use of forced labour in the production process itself seems to

have been confined to the use to limited extent of slaves to work some parcels of land. As Hindess and Hirst (1975:79) comment:

The specific articulation of politics and economics in this mode of production governs the possible forms of development and effectivity of subordinate economic forms and relations, trade and commodity production, slavery, relations of personal dependence...

When, therefore, these more complex labour forms developed such as renters and slaves and forced labourers, they did so only in limited form and were dependent for their existence on the production of the independent peasant producers (See Hindess and Hirst, 1975:83). These labour forms developed:

...only in certain specialised sectors which are maintained through the more or less direct intervention of the state (Hindess and Hirst, 1975:78).

By and large, the revenues of the members of the ruling class were "...devoted to the reproduction of the political and legal conditions of their continued appropriation of surplus-labour" (Hindess and Hirst, 1975:102). The revenues, therefore, were channelled into unproductive expenditures - large banquets, public displays, etc., which improved an individual's political and social position within the society or the society's social and political position in relation to other groups. Because these revenues were seldom fed back into the production process, productive forces have limited development. As Hindess and Hirst (1975:108) note:

More complex forms of labour process develop mostly in sectors of production which depend on the level of exploitation of the mass of direct producers. Thus the scope for the development of productive forces is extremely limited within the ancient world and the highest developments in slave-worked latifundia and manufactories,

hardly affect the productivity or conditions of labour of the mass of direct producers.

It is unclear whether the labourers used in building large scale public works such as roads, dykes, temples and fortifications were permanent slaves or temporary labourers who were allowed to return to their provinces. They were most probably a mixture of both. Prescott (1922:446), for example, notes that the Aztecs, as a punishment of the Chalcas for a rebellion, required the entire population including women to labour on the construction of royal edifices for four years. Additionally, within the city-state the individual peasant producer came to be required to contribute labour to the construction and maintenance of these public works (Gómara, 1964: 154; Keen, 1971:21). Each conquered province was required to provide labourers for diverse types of work. Katz (1966:95) maintains that careful accounts were kept in detail concerning these requirements, which lends some support to the idea that these were not perpetual slaves, but temporary labourers.

Bosch García (1944:80) contrasts the harsh treatment of these labourers with the generally mild treatment of the slaves. He notes that the labourers used to build the great pyramids were required to carry extremely heavy materials and worked excessively. Gómara (1964: 155) maintains that all of Moctezuma II's houses were built and maintained by the labour mustered in neighboring towns. The people of these towns, he wrote:

...gave their labour, paid the workmen, and carried on their backs or dragged, the stone, lime lumber, water and everything necessary for their construction.

The drafts of labourers used to construct the temples and other

ceremonial buildings were the group of labourers most subject to violent exploitation. Separated from their tribes and from the land, they were less likely to rise up in rebellion. And, since their use was temporary, their long-term well being of less concern than the long term viability of other groups of labourers.

Summary

The degree to which direct physical violence was used in relation to Aztec labour forms was tempered by the structure of the economic system. The ruling class depended on the appropriation of agricultural surplus from independent peasant producers. Given the level of political control the Aztec state had over these producers, there was a limit to how violently tribute and labour demands could be pursued. Within the city-state, demands were limited by the necessity of maintaining the loyalty and therefore the support of the labouring class. Outside the city-state, the possibility of rebellion limited these demands. The widespread use of serf labour was limited by the lack of Aztec monopoly on the land, and slavery limited by the level of production of the society as a whole. The harshest form of forced labour seems to have been that of the drafts of forced labourers used to construct ceremonial edifices, but the use of this form of labour was limited itself by the productive and organisational capacity of the society.

This particular form of organised state violence was, therefore, relatively mild when compared with other forms of organised violence such as warfare and human sacrifice. And the mildness of labour forms was determined by the characteristics of the social formation.

CHAPTER VI

LEGAL SANCTIONS IN AZTEC MEXICO

The primary concern of this thesis is to locate the organised state violence which occurred in two social formations in two historical periods within its economic context - to demonstrate the connections between the institutionalised violence of the state during these two particular historical conjunctures, and the economic foundations of the social formation. In this chapter, the ways in which the violence of legal sanctions in Aztec Mexico functioned to help secure the necessary conditions of existence of the economic system will be discussed. Although the focus of concern is with the violence of legal sanctions and not with the legal system itself, it is necessary to make a few preliminary comments about the way in which law is to be considered.

Within this analysis, the law is conceived of as one institution among many through which the ruling class attempted to secure the social, political, and economic conditions necessary for its continued existence as a ruling class. This is not to imply that this is the only function of the law, just that it is the one which is of concern in this thesis.¹⁰ In order for the Aztec ruling class to maintain itself as a class of non-labourers, a class of surplus takers, it had to organise and enforce surplus appropriation from direct producers. As has been noted previously, within the ancient mode of production the continued appropriation of surplus production

by the non-labouring ruling class depends primarily on reproducing the conditions of citizenship on the one hand and the mechanisms of subordination on the other. The law was one mechanism through which the ruling class sought to reproduce these conditions.

The law functioned as an instrument of subordination in that it was an organised system of coercion, of force. The law required the performance of certain acts by those under its authority and prohibited others. This system of requirements and prohibitions were enforced through the exercise and threat of punitive measures. The legal system, therefore, was first a means of controlling behavior. However, the law also served a function beyond its instrumentality in channelling behavior. It also maintained the conditions of citizenship by institutionalising the authority of the state - locating authority in the society with the state as an entity separate from and above individuals. The law, therefore, not only directly served ruling class interests by subordination - by coercing people into performing or not performing certain acts - but also by institutionalising the conditions of citizenship, by imposing the power of the state over the lives of its subjects.

Law in Aztec Mexico was clearly the law of the ruling class. Nezahualcoyotl and his son Nezahualpilli, who ruled Texcoco from 1418 to 1515, were considered the great lawmakers. They compiled both the civil and criminal codes, determined the system of ranks and functions of judges and the number and importance of the courts (Ceballos Novelo, 1937:27). Judges were chosen primarily from among the nobility (Peterson, 1961:120). They were supported by the state and they served for life (Prescott, 1922:24). The law, therefore, was made and

primarily administered by the ruling class, and this ruling class did not act merely as an intermediary, codifying and implementing laws which reflected the will of the collective.

The interests served by the law were primarily ruling class interests. The law required, for example, peasant producers to surrender part of their production to the state and to perform labour on state lands. The law designated certain land as 'public land.' The law forbid the commoner from wearing the clothing and decorations of the ruling class. Such laws clearly benefited not the collective, but the ruling class since the ruling class received the goods surrendered up in the form of tribute and the goods produced through labour on 'public lands ' and they marked their position of privilege through the use of distinctive clothing and decorations.

In a more complex way the law served the interests of the ruling class by defining terrains of behavior in terms of its own interests. As Wolf (1982:288) notes:

Meanings are not imprinted into things by nature;
they are developed and imposed by human beings.

The ability to bestow meanings, to 'name' things and acts in a particular way, is a source of power. Through the law the ruling class was able to name acts - to create the categories through which reality was perceived. Through legal sanctions the ruling class enforced their categories and protected their viability from other competing conceptions (Wolf, 1982:388).

The law, for example, 'named' killing in one context as 'murder.' Killing, however, in a different context, warfare or sacrifice for example, was not so named. The object of laws against killing was not to eliminate a particular behaviour held in revulsion by the

collective, but to delineate the difference between the contexts within which this behaviour would and would not be officially tolerated. And these distinctions primarily reflected when the behaviour was and was not in the interests of the state.

Acts of violence committed at random by individuals were a potential threat to the state since they were uncontrolled and could easily be turned against the state and its representatives. The state, therefore, sought through the law to establish a monopoly on the use of violence by 'naming' some violence as criminal and punishing them and rewarding other violence, such as the violence of warfare. And as was noted in the chapter on warfare, the Aztec state even attempted to control the violence of warfare so that it more closely served the interests of the state. Warriors were prevented from unorganised looting and plundering of conquered provinces and required to await their award of booty through the state. The state attempted to control all expressions of violence.

Aztec citizens, for example, were not allowed to go about the city armed, except in times of warfare. Personal vengeance was strictly prohibited. If a spouse, for example, was found committing an act of adultery, private action was not allowed. A murder in such circumstances was considered like any other (Floris Margadant S., 1978:24). The murder of a slave was considered a capital offense (Prescott, 1922:26), and even abortion was punishable by death (Mendieta y Nuñez, 1921:186). Anyone who challenged a person to a fight except in wartime was sentenced to death (Lopez de Gomara, 1625:1140), and public quarrelling was punishable by placing the offender in a cage (Peterson, 1961:123). Violence in warfare, however, was not

only encouraged but demanded. Deserters from the army were killed and soldiers were ordered to watch each other for indications of cowardice (Durán, 1964:186). The state was careful, therefore, to control and channel violence to serve its own ends.

The contextual delineations made by the law, the naming of acts, not only applied to violence. The taking of property belonging to someone else, on an individual basis, not controlled by the state, was labelled 'stealing' - a criminal act. The organised taking of property belonging to others, however, by the state during and after a war, was not considered stealing, not considered criminal. It was a crime for an individual to alter the boundary lines of another's land (Prescott, 1922:26). The state, however, regularly encroached on calpulli land, appropriating more and more of it for the support of its officials and systematically took over the land of other Indian groups (See Padden, 1967:93). An individual who sold stolen goods was punished by death (Alba, 1949:9-10), but the Aztec state regularly sold goods it secured from the tribute that was extracted by force from subject provinces. The law, therefore, was not designed to eliminate violence or the taking of property by force, but to secure control of their expression for the state.

The law functioned, then, as a system of coercion, a system of control over bodies. It specified certain behaviours that were required such as the payment of tribute, and prohibited other behaviours such as violence in particular contexts. But the law served state interests also in a second way. The law continually reestablished the conditions of citizenship by making the state the centre of authority, the controlling force in the society. The state, through the

law, attempted to secure its own power by subverting other sources of authority and allegiance, such as the calpulli, and inserting itself as the primary focus of power (Kurtz, 1978:170). Through the legal system the state sought to establish itself as the primary adjudicator of important disputes within society. The state attempted to monopolise the power to judge and therefore the power to determine the terms of dispute. As Se'journe' (1976:14) notes:

Laws, penalties, and innumerable prohibitions, indicated to each person in detail the behavior he must follow in all circumstances of his life, in such a system personal decision did not exist, dependence and instability were absolute, fear reigned. Death lurked ceaselessly everywhere, and constituted the cement of the building in which the individual Aztec was prisoner.

Individuals, after the rise of the Aztec state, were no longer left to resolve their own disputes, at least not those disputes considered important by the state. It was to the state, then, and its representatives that people had to refer to settle grievances. This situation helped to ensure that important disputes would be settled, directly or indirectly, in the interests of the ruling class since the representatives of the ruling class controlled the legal system. The fact that the ruling class made and administered the laws in its own interests does not mean that all cases were adjudged in the interests of an individual member of the ruling class. The interests of the ruling class as a class, as an aggregate were reflected in the law and the administration of the legal system. The law functioned to ensure the average interests of the ruling class and this average interest was at times contrary to the particular interests of an individual member of the ruling class.

It was, for example, in the average or general interest of the ruling class that the legal system appear to be objective and fair and separated to some extent from the individual will of the monarch. Part of the very instrumentality of the law as a system of control was that it did not overtly appear to function as an institution of ruling class domination. The degree to which Aztec law was (and still is by some historians, see Peterson, 1961:118-124 for example) popularly conceived of as representing collective interests is an indication of the sophistication of its ideological presentation. Law in Aztec society was conceived to originate in the will of the monarch whose authority to rule came both from his political and religious position within society. The power to make law and to punish, then, proceeded from the sovereign and was not to be shared with his subjects. Even though he delegated to the courts and judges the task of exercising this power to dispense justice, the ruler did not transfer the power (See Foucault, 1979:53).

It was in the interest of the monarch, however, and the ruling class whose interests he represented, to be seen as legislating and indeed ruling for the good of the collective. Even though Aztec rulers did not by and large make laws in the interests of the collective but primarily in the interests of themselves and the ruling class to which they were members, consistent with the demands of the existing economic arrangements, the appearance of representing the collective was highly functional in that it worked to decrease the extent to which force had to be resorted to to implement decisions. The naked use of will and force, in most circumstances, is not the most efficient means of controlling human behaviour. Foucault (1979:102), for

example, notes:

A stupid despot may constrain his slaves with iron chains; but a true politician binds them even more strongly by the chains of their own ideas...

The law, therefore, carried part of its effectiveness in the fact that it was given the appearance of representativeness and objectivity rather than the appearance of a controlling mechanism of the ruling class. Because this appearance of representativeness was so important, at times the interests of individual members of the ruling class were sacrificed in the interests of the class as a whole. Theoretically, for example, no one not even the ruler in Aztec society, was exempt from the law (Alba, 1949:9). Zorita (1965:130) mentions several occasions wherein rulers had members of their own families executed for some crime such as adultery or improper behaviour. Nezahualpilli, for example, had four of his sons, along with their lovers, put to death. He is said to have explained publicly:

My child has violated the law; if I pardon him it will be said that the laws are not for all. You may know then, my subjects, that nothing you shall be excused a transgression, since I punish it in the child I love the most (Lopez Gallo, 1976:93).

But the nobility regularly were permitted numerous wives. Motecuzuma II, for example, was one of his father's 150 children, and himself is said to have had four thousand concubines (Padden, 1967:98). In order to maintain the image of fairness and objectivity in law, however, it was at times necessary that certain members of the privileged class actually be seen to come under its authority. The propaganda effect of one such case of severe penalty for a member of the ruling class, told and retold, is high. It created the impression

that no one was indeed above the law (See Hay, et. al., 1977:33 who make a similar point about law in eighteenth century England).

Even though the law was represented as being objective and to some extent separated from the will of the sovereign, nobles and other privileged members of society, such as merchants and warriors, had special courts in which their cases were heard. And the penalties proscribed for some crimes were more severe for nobles than those proscribed for commoners. If, for example, the son of a nobleman gambled and sold what belonged to his father in order to meet his debts, he was killed. If, on the other hand, the son of a commoner committed the same crime, he was enslaved (Peterson, 1961:119,123, 161). The nobility were supposed to serve as examples to the rest of the people and frequently a noble who was found guilty was taken out secretly and punished. The noble's son, for example, who gambled was secretly drowned (Trimborn, 1936:58; Peterson, 1961:123).

Even though the proscribed penalties for nobles were more severe than those for commoners in some cases, the fact that they had separate courts and were not punished publicly indicates that they may have not in fact been subject to the laws in the same way as were commoners. Foucault (1979:58), for example, notes that in the eighteenth century the hidden execution was considered a privileged execution and it was often suspected that executions carried on in secret had not been carried out with customary severity. The laws, therefore, specifying more severe penalties for the nobility were in all probability designed more for appearance than enforcement. There were, for example, strict laws against adultery and drinking in Aztec society, but Aztec nobles had many wives and concubines and were

allowed to drink freely if this was done in private (Padden, 1967:89-98).

The Violence of Legal Sanctions

That the law functioned to maintain the conditions of citizenship and the conditions of subordination does not necessarily imply that it did so primarily through physical violence, or indicate the level of violence that was required to maintain these conditions. The threat of violence is always present behind the legal system. But there are varying degrees to which this force is actually put into practice as physical violence. Foucault (1979), for example, discusses how the law functioned as a system of control in the eighteenth century while shifting from punishments of the body (physical violence, public executions) to a punishment of the 'soul' (carceral institutions, punishments removed from the public eye).

Punishments for infractions of the law in Aztec society were, however, by and large explicitly violent - explicitly punishments of the body. Most criminal behaviour resulted in death by one of a number of means. Wrongdoers were hanged, drowned, stoned, whipped, beheaded, impaled, strangled, or had their bodies torn to pieces. Less severe sanctions included slavery, mutilation, loss of employment, destruction of one's house, or the cropping of hair - considered by the Aztecs to be a great humiliation (Toscano, 1937:53; Floris Margadant S., 1978:23). The offences for which one might be so punished included among others, murder, treason, rebellion, highway robbery, adultery, sodomy, lying, trickery in a trial, assault, rape, bestiality, destruction of crops, homosexuality, the intentional

moving boundary markers, and refusal to pay debts (Peterson, 1961: 120-124). Some offences might be punished less severely on first occurrence, the penalty becoming more severe if repeated. Drink, for example, was thought to cause all sorts of social ills and the use of alcohol was severely proscribed for the common people. Only the old were allowed to drink freely (Toscano, 1937:55). Drinking or becoming drunk, was considered a great offence and shame. On the first occasion the offender's hair might be cropped, on the second his house demolished and his employment lost; on the third incident he could be put to death as an incorrigible offender (Peterson, 1961:123-124). The punishments for certain crimes extended beyond the offender to his relatives, and at times there was no distinction made in terms of punishment between the person committing the crime and his accomplices. All were given the same penalty (Floris Margadant S., 1978:24). Penal sanctions, therefore, in Aztec society were generally severe and were punishments of the body.

Most of the punishments were performed in public. These public punishments were designed to be powerful statements of both the price to be paid for noncompliance with the law, and the force and authority of the state. The punishment of crimes was designed both to punish the offender and prevent him from repeating his offence, and to make a statement to the other members of the society. They were a demonstration of the power of the state to enforce its will. On some occasions citizens were called upon to participate in the punishments and so join with the state in condemning the offender. Aztec records show adulterers, for example, being stoned to death by citizens (Purchas, 1625:1117). Male adulterers were sometimes delivered to the

husbands of their lovers, who could either give a pardon or beat the offender's head in with a large stone (León-Portilla, et. al., 1964: 64). Mendieta, in his Historia [eclesiastica], described these punishments for adultery in which citizens participated:

They were taken to the town square where many people united in throwing stones like rain upon them, but they did not feel much pain because they were soon dead and covered with stones (Quoted in Peterson, 1961:122).

Severe and public punishment for challenging the authority of the state was a powerful political tool. . . . The punishment of crime was not an uncontrolled expression of anger, but a calculated expression of state power - not merely an exercise of the legal machinery, but a political tactic, a "technique for the exercise of power" (See Sheridan, 1980:138-131). Every act of punishment marked the body of the offender with a visible demonstration of the state's authority. Those who took part in the punishments as either active participants (who for example threw stones) or spectators, were an integral part of the process, not incidentals. They witnessed and supported the control and power of the state.

It is within the political sphere that the domination of the ruling class was established and maintained, and the politics of punishment were important. In the chapter on warfare it was noted that the importance of the political level necessitated a constant vigilance with regard to challenges to the authority of the state. Any perceived erosion of that authority, a refusal to attend a sacrificial ceremony or a refusal to pay tribute, had to be quickly dealt with, for the position of the Aztec state at the apex of the hierarchy of power in Mexico was maintained not primarily by economic coercion

but through politics. Within the city-state, the same imperatives were in force. Just as the Aztec city-state maintained its dominance over the surrounding territories largely through political mechanisms, by maintaining its position of political domination over other Indian groups, so the Aztec ruling class maintained its position of dominance over its own citizens primarily through political means. The state, therefore, had to be as vigilant about maintaining its authority among its own citizens as among those groups of non-citizens from which it extracted tribute. To commit a crime was to question the state's authority and the state maintained its dominance through maintaining its political authority.

The continued existence of the ruling state, therefore, depended partly on harsh response to any challenges. If at any point public power was seen to fail, it called into question the entire hierarchical relationship on which the economic system depended (See Wolf, 1982: 83). The establishment of the state as the adjudicator gave to the state the power to 'name' to dictate the terms of dispute. This power was reinforced every time an appeal to the legal system was made. Once the state had established itself in the position to make and enforce a set of laws, refusal to comply with these laws became an attack on the state. Crime, then, essentially became treason.¹¹

The state intervened in instances of law-breaking not as a mediator of conflicting interests but as an injured party itself, for a refusal to comply with the law was a refusal to accept the authority of the state. And as with rebellion and the punishment of war captives, the punishments employed to counter an affront to the state's authority were designed not so much to re-establish a balance, but

to demonstrate the dissymmetry between the subject who had dared to violate the law and the all-powerful state or sovereign who displayed his strength. Public punishment was an emphatic statement of the intrinsic superiority of the authority of the sovereign and the state he represented. The populace was made aware through the punishment of the body of the condemned, of the "unrestrained presence of the sovereign" (Foucault, 1979:48-49). The Aztec ruling class claimed its right to the appropriation of surplus production and labour by right of membership in the politically dominant group. Within the city-state, they claimed this right through their relation to the dominant state. This superiority in terms of the power of the state was the means through which the ruling class maintained its position of dominance and therefore its control over surplus production. This superiority had to be stated, restated and protected from any challenges. The authority of the state, however, over its own citizens rested not only on its ability to enforce its will, but with its central power to regulate and integrate social life.

Outside the city-state, conquered tributary provinces had no investment in the Aztec state. They received little benefit from being a part of the empire and were not integrated within it. Within the city-state, however, the relations between the ruling state and the populace were quite different. The Aztec populace was not held in subjection through military force but drawn into a relationship of interdependence with the state. The legal system was one institution through which this relationship of interdependence was established and maintained. For the law functioned not only as a system

of coercion but as an integrative force. It regulated the lives of individuals and established the state as the location of reference and appeal. This important function of integration in part explains the care and concern the Aztec state displayed over its legal system. On the level of sheer formal organisation, the Aztec legal system was impressive. In each Aztec town a magistrate was elected by each clan or calpulli for a period of one year. This magistrate settled the more straightforward civil and criminal cases which could be kept out of the higher courts. Under his supervision and also appointed by the people were men who served warrants and made arrests. These inspectors watched over the conduct of a certain number of families in each of the towns and were charged to report any disorder or law-breaking to higher authorities. The rulings in the town courts were generally made within a day or two and if the decision was not satisfactory to the parties involved, could be appealed to the provincial or tecalli court (Prescott, 1922:23-24; Peterson, 1961:118).

The tecalli courts, one in each province, consisted of three magistrates each of whom had various assistants to execute orders and sentences. The tecalli judges were inferior to a supreme judge, appointed by the crown, who had jurisdiction over both civil and criminal cases and handled appeals from the two lower courts. A decision in the superior court could not be appealed, even to the monarch, although difficult cases were sometimes referred to the emperor for consideration (Prescott, 1922:23; Peterson, 1961:118-119).

Cases were judged after the presentation of evidence, confessions, documents and cross-examination. Scribes took down in picture writing the details of every case - the claims, the witnesses, and the

findings (Zorita, 1965:128). There were no lawyers in Aztec courts. The officials present were there only to preserve order and to summon others. The individuals involved stated their own cases, supported by the testimony of witnesses (Prescott, 1922:25-26). Excessive rhetoric was considered an attempt to evade the truth (Peterson, 1961:120).

The witnesses called in a case, took an oath to tell the truth, and lying was punished by death (Peterson, 1961:120). When people took an oath, they touched their forefinger to the ground and then to their lips. Some said that this was because they swore an oath to the earth which maintained them. Others said that it was because if they lied, it was to the earth that they would, in short order, be returned (López de Gómara, 1625:1139). At times the ruler would audit a trial, or a supreme court justice would appear in a lower court to supervise the proceedings and ensure regularity (Peterson, 1961:120).

Judges were not allowed to hear cases involving friends or relatives, and they sat from early morning to late afternoon with only a short break midday (Peterson, 1961:120; Zorita, 1965:126). No lawsuit in the Aztec system was to last longer than eighty days. Punishments proscribed for magistrates found guilty of collusion with a suitor were severe, and judges were put to death for accepting bribes and pronouncing suits in their own houses (Prescott, 1922:24). Judges were subject to penalties ranging from removal from office to death for partial sentences, bribery, negligence, or misconduct (Peterson, 1961:120). Zorita (1965:128) maintains that if a judge was discovered to have accepted a gift, or drank to excess, or was

negligent in some way, he was, if it was a small matter, severely reprimanded by his fellow judges. If, however, the judge did not mend his ways, on the third offence his hair was cropped and he was removed from office in disgrace. If the offence was a serious one the ruler stripped the judge of his office. Prescott (1922:24) mentions an instance in which Nezahualpilli had a judge put to death for accepting bribes and another for hearing cases in his house. Zorita (1965:128) maintains that in the reign of the same ruler, a judge favoured a principle in a case and then gave an untruthful account of it to King Nezahualpilli. Nezahualpilli, according to Zorita, ordered the judge hanged and the judgement reversed in favour of a commoner.

Evidence indicates that the law did function at least with the appearance of objectivity and fairness and that there was great respect for the law in Aztec society. López de Gómara (1625:1139) comments on the learned nature of the judges and praises the fact that they did not accept fees. Zorita (1965:128) on the same subject comments:

The judges received no fees, large or small and accepted no gift from any person great or humble, rich or poor. They showed great rectitude in their judgements; the same was true of all the other ministers of justice.

Sahagun maintains that the magistrates:

...examined with great diligence all cases that came into their hands...

The descriptions in the Florentine Codex (Dibble and Anderson, 1961:16) recorded by Sahagun, however, of the good and the bad magistrate, reveal that there must have been abuses.

The good magistrate (is) just: a hearer of both sides....a passer of just sentences...a shower of no favor. He fears no one...he shows no bias.

The bad magistrate (is) a shower of favor, a hater of people, an establisher of unjust ordinances, an acceptor of bribes...a doer of favors.

The proscribed penalty for public officials found guilty of not performing their jobs properly was death. Aztec law, for example, stipulated the penalty of death for tax collectors who stole from the people (Gómara, 1964:155). Díaz (1963:210), however, maintains that the Indians encountered by the Spanish complained bitterly that Aztec tax collectors robbed them and took their lands. A Cempoalan chief told Cortes that the tax gathers of Moctezuma II took away handsome women and raped them in all the thirty Totonac villages which were under Moctezuma II (Díaz, 1963:110). The Indians were evidently so afraid of the Aztec officials they didn't even dare to complain (López de Gómara, 1625:1130). Díaz wrote that while the Cempoalan chief was talking to Cortés, messengers arrived to tell him that five of Moctezuma's tax collectors had arrived in the city. When he heard the news, the Cempoalan chief, according to Díaz (1963:111), "turned pale at the news."

Prescott (1922:24-25) maintains that the provision of appeal of cases was a reflection of the concern the Aztecs felt over the severity of their proscribed punishments. This would, Prescott notes "...naturally have made them more cautious of a wrong conviction." But there is also evidence to indicate that the right to appeal cases to the highest tribunal, applied only to criminal cases (Mendieta y Nuñez, 1920:185). And, the right to appeal was not always available. Those who committed crimes in the market place, for example, or highway robbery, were tried and punished on the spot (Peterson, 1961:124; Vaillant, 1962:99).

Prescott (1922:23-24) maintained that the character of the judicial tribunals mitigated to some extent the potential despotism of the concentration of monarchical power, and he maintained that the provision of land to support the judges made them "wholly independent" of the crown. He then remarks, however:

It is not, indeed to be supposed that, in a government other wise so despotic, means could not be found for influencing the magistrate. But it was a great step to fence round his authority with the sanction of the law; and no one of the Aztec monarchs, as far as I know, is accused of an attempt to violate it (Prescott, 1922:24).

Judges consulted with the ruler regularly, however, and their lands and incomes were awarded by the ruler (Zorita, 1965:126-128). Even though the monarch's authority was 'fenced round' no law prevented Moctezuma II, for example, from slaughtering all the palace officials of the previous monarch when he assumed power (Padden, 1967:86). The monarch also had the power to condemn judges to death for wrongdoing (Davies, 1973:110). The fencing round, therefore, would seem to have served primarily to create the appearance rather than the fact of judicial independence.

Summary

The Aztec state was keenly aware of the political importance of law as a means of power and social control, and in many respects, the Aztec legal system was very advanced. There was an organised body of law, a concept of precedent through the decisions of courts, and territorial jurisdiction (Yturbide, 1959:729). Offences were specified in writing along with their punishments, as were court procedure and organisation. There were strict rules concerning the

administration of justice and severe penalties proscribed for malfeasance in office. The Aztecs also well understood the importance of the appearance of the law as an objective force independent of the state. Judges were appointed for life and lands were awarded for their upkeep. There were rules regarding judicial partiality and a concept of equality before the law (Mendieta y Nuñez, 1920:184).

Most chroniclers have nothing but the highest praise for Aztec legal institutions. Zorita (1965:123-125), for example, maintains that better order and justice prevailed within the Aztec empire than within all the other Indian groups. Ceballos Novelo (1937:27), in his book on Aztec political institutions, described the legal system as "an eloquent manifestation of a high grade of civilisation." Even the Spanish conquistadors, when they arrived in Tenochtitlan marvelled at the fairness and efficiency of the Aztec legal system. They also commented on the extent to which respect for the law and authority were engrained in the minds of the people (Cortés, 1971:105,108,464).

It is very difficult to assess the actual workings of the Aztec legal system (See Prescott, 1922:23). Much of the information available is based on the law as written and such information actually tells very little about how the law functioned in practice. In later sections it will become apparent what little correspondence there was between the Spanish law as written and its actual implementation in Mexico. But in ancient Mexico, there was no dissenting group such as the Spanish missionaries who possessed the facilities to record disparities between the law and its implementation. From the evidence available, however, it does appear that the Aztec state invested considerable importance in the swift sure and harsh punishment

of offences and in the creation of the appearance, at least, of fairness and objectivity in the legal system. The importance of the legal system is an indication of the primacy of the political level within the social formation.

CHAPTER VII

SPAIN AND THE WORLD ECONOMY

The focus of this second section is the violence of the first thirty years of Spanish presence in Mexico - from 1520 to 1550 - what Parry (1949:60) calls "the Age of the Conquistador." The violence of these first thirty years can be most adequately understood as a predictable by-product of the wider economic demands of emerging western European capitalism in the latter part of the fifteenth and the first part of the sixteenth centuries. To understand just how this was the case, it is necessary to explore not only economic and political conditions in Mexico and in Spain during this period, but to give some indication of the pressures that existed within the European world economy and the position of Spain and Mexico in relation to this European world economy.

In this chapter, the scaffolding of economic pressures that formed the context within which organised violence in Mexico took place, will be described. It is important to stress again that such an analysis does not imply a strictly deterministic model. The economic structural configurations of the time were the context within which the struggles and events of history in Mexico were played out. Rather than determining these struggles and events, the economic structure underlayed, oriented and constrained the ways in which these events and struggles took place. Given the particular set of economic contingencies, a range of responses was possible. The range,

however, was not infinite and certain responses had a higher probability of occurring than did others. While the organised violence which took place in colonial Mexico, or New Spain, was not strictly determined, it was an almost inevitable outcome of the particular set of social and economic demands of the time (See Wright, 1978 for a discussion of models of determination).

Spanish violence in Mexico was not a response solely to the immediate exigencies of the world situation. Even though the primary concern of this thesis is with the events in Mexico during thirty years of the sixteenth century, it is necessary to go back prior to that time to explain the economic pressures which set the context for those events. But at what point is it necessary to begin? Several writers (See Wallerstein, 1974:68 for a discussion of the positions of the various scholars on this point) have divided the sixteenth century into two parts, the first from about 1450 to 1550, and another beginning in 1550 and ending around 1620. "I am skeptical," writes Fernand Braudel (1953:73) "of a sixteenth century about which one doesn't specify if it is one or several..." It is the first of these sixteenth centuries that will be discussed, for it is during this period that there began developing in Europe a capitalist world economy and Mexico was to be dragged forcibly to play its part in this economy.

The point at which one begins reconstructing the socio-economic situation is, of necessity, somewhat arbitrary. Capitalist relations did not appear simultaneously in all of western Europe. In Italy and Flanders, for example, a fairly well developed capitalism existed as early as the thirteenth century (Darby, 1957:97). It is in

the middle of the fifteenth century, however, that western Europe began as a whole to change rapidly from a group of somewhat insular societies dominated by feudal social relations into an increasingly inter-related system drawn together by common economic concerns and characterised by the emergence and struggle for dominance of capitalist relations (See Wallerstein, 1974:68).

The Emergence of a Capitalist World System

Sweezy (1950:136) maintains that the crucial features of western European feudalism in the latter middle ages were production for use, locality of markets, and the externality of long-distance trade to the dominant mode of production. Handicrafts and food production were the primary economic activities, and these were geared to local consumption rather than production for a wider market. Most individuals engaged in a sort of partial self-sufficiency whereby they produced to satisfy their own needs, and after providing feudal dues, used what surplus was left to barter for goods with the non-agricultural population. The bulk of the surplus of any increased production under such a system, however, was assured to landlords who had noble status and who controlled the legal machinery (See Wallerstein, 1974:18-21).

Western European feudal society of the time can be conceived of as being a series of "tiny economic nodules." While these nodules were not totally isolated from one another, nor totally self-sufficient, the interaction between them and the dependence of one on the other was minimal. While not antithetical to trade, such a system could only support a certain amount of long-distance as opposed to local trade and the long-distance trade that did exist tended to be

a trade in luxuries, not in bulk goods. This trade, therefore, depended for its existence on the support and interests of the very wealthy. This is the externality of trade which Sweezy referred, i.e., the trade in precosities did very little to feed back into the economy and provide expanded production (Wallerstein, 1974:20-21).

From about the twelfth to the fourteenth centuries the scale of economic activity under this system was slowly expanding. Sometime around the fourteenth century, expansion reached its limit and what had expanded began to contract.¹² Population at the time began to reach a saturation point given the state of technology, and food shortages and epidemics were the result. The situation was exacerbated by the beginnings of the Hundred Years War in 1335, since the war economies of the western European states required increased taxes. The taxes on top of already heavy feudal dues led to a reduction in consumption and a consequent further reduction in production. The ruling class responded with an intensified exploitation of the peasantry and the counterproductive squeeze resulted in widespread peasant revolts and peasant flight from the land. In addition, climatological changes lowered soil productivity and increased epidemics (Wallerstein, 1974:37). This contraction, which Wallerstein (1974:21-22) terms the "culmination of 1000 years of development," was to have the effect of moving western Europe into a new age. A new structural arrangement for the extraction of surplus became necessary when the old arrangement proved inadequate, and the profound changes of the sixteenth century represent the beginning of development of this altered structural arrangement (See Wright, 1978:171).

The only way out of the stagnation was to expand the economic pie to be shared. What was needed and what capitalism offered was

a new and more lucrative form of surplus appropriation, and political energy was to be invested in securing the conditions necessary for developing and maintaining this form of appropriation (Wallerstein, 1974:16). As Wallerstein (1974:38) summarises:

...what Europe was to develop and sustain now was a new form of surplus appropriation...based not on direct appropriation of agricultural surplus in the form either of tribute...or of feudal rents...Instead what would develop now (was) the appropriation of a surplus which was based on more efficient and expanded productivity... by means of a world market mechanism with the 'artificial' (that is, nonmarket) assistance of state machineries, none of which controlled the world market in its entirety...

Europe began undergoing changes which were unlike any that had been experienced before and international commerce was the foundation of these changes (Thompson, 1965:415). Trade was, as Glamann (1978: 427) has written "...the great wheel driving the whole engine of society..." Long-distance trade operated increasingly as a creative force. More commodities were brought within reach and the trading centres for these commodities provided an impetus to commodity production and an exchange economy. Trade increased demand and demand in turn increased trade. Production for exchange and production for use came to exist side by side, each affecting the other in this new economic arrangement. The demand for goods increased and the desire to buy brought with it a pressure to sell (Sweezy, 1950:140-143).

Cities like Antwerp and Amsterdam grew into international exchanges and new forms of transacting business and arranging credit were established to accommodate the widespread and complex trading. International fairs grew out of former provincial markets, displacing the old periodic fairs by year-round commodity markets where credit facilitated commerce in the greatest centres of trade (Thompson, 1965:

495). As Thompson (1965:492) notes:

...the rate of interest, stockjobbing, the importance of the mining industries, the formation and dissolution of monopolies and trusts, the origin of newspapers...the financial policies of the different countries, the rise of the great fairs...the evolution of national debts - each and all of these are evidences of the changed condition of Europe.

Commerce in the fifteenth century came to be carried on less by individual merchants than by giant trading corporations which possessed a degree of capital and political influence previously unknown. European states began to recognise the importance of trade and implemented protective laws and navigation acts which were designed to minimise competition (Thompson, 1965:494). The nobility, weakened by declining profits, began to turn capital investment away from land and to seek profits elsewhere. The nobility therefore welcomed to some extent the strengthening of the centralised absolutist states which began to rise in western Europe since these states were in a position to secure the conditions necessary for profits in commerce and trade (Wallerstein, 1974:36). During the great expansion in commerce and finance of the fourteenth and fifteenth centuries, the Italians led the way to European recovery. In fact, Ferguson (1962:97) has written that:

The history of early capitalism is to a very large extent the history of Italian commerce.

As early as the eleventh century, Italy had been the entrepot of the luxury trade between the eastern Mediterranean and western Europe and had therefore accumulated sizable profits which were then fed back into an expanding economy (Ferguson, 1962:113). The most sophisticated techniques of credit, banking, and international exchange were present in late medieval Italy (Braudel and Spooner, 1967:

490). Italian merchant-bankers dominated European money markets and Italian prosperity, based on international trade and the commercial and financial techniques developed in the large mercantile cities, provided much of the capital for expansion in the rest of western Europe (Ferguson, 1962:113).

What grew out of this general crisis, as Wallerstein (1974:15) has pointed out, was a world economy - a world system not because it encompassed the whole world (there were other world systems at the time) but because it grafted together diverse political entities into one interdependent system. It was a world economy because the primary link between political units was economic. Decisions had to be made within the context of this new world market, and there came to be a distribution of productive tasks within this new world system in that:

...those who breed manpower sustain those who grow food who sustain those who grow other raw materials who sustain those involved in industrial production (Wallerstein, 1974:86).

Increasingly, economic decisions were oriented toward the fledgling world economy, while political decisions remained within the sphere of smaller governmental entities (Wallerstein, 1974:67). By the sixteenth century, the needs of the market gained overriding importance (Rowdon, 1974:16). Indeed the most crucial development of the capitalist economy was that of a world market and the capitalist nature of international commerce and finance became clearly apparent in the fourteenth and fifteenth centuries (See Hobsbawm, 1964:30; Bernard, 1971:37).

Obviously there were regions isolated from these general trends, regions relatively unaffected by the sorts of changes that came about

as a result of the growth of a world market (Vilar, 1976:33). And even within regions, sectors of the economy were affected differentially. Industry, for example, remained far behind commerce in development during this period (Braudel and Spooner, 1967:492). This was not an age in which capitalist relations pervaded every level of social and economic life. Instead it was an era in which capitalist relations were just beginning to take hold - an era in which various forms of production existed simultaneously under the waning dominance of one of them: feudalism (Anderson, 1974b:39-40).

It is impossible to establish a simple causal relationship between the expansion of western Europe and changes in commerce. Both were cause and effect in the same process (Knight, 1930:298). The general rise in commercial activity produced capital to finance overseas expansion, and a certain political stabilisation in the great nation states provided an environment which freed capital to be invested. Improvements in navigation and geographical knowledge were part of and stimulus to pressure to get better contacts with the sources of Eastern commodities.

What this period initiated was a condition in which all of western Europe came increasingly to be part of the same economic system. The laws of the market drew into connection nations and regions regardless of their differences, and began to penetrate other layers of political and social life. Since commodities assumed a value on a world market, and coins of international circulation were subject to fluctuations of the world gold market, increasingly all of western Europe was drawn into a role in the world system (Frank, 1978b: 52-53).

Precious Metals and Primitive Accumulation

One of the primary features of the transition from feudal to capitalist relations was a change in the relative predominance of money transactions. Whereas under a feudal system money played a secondary and subordinate role, with the increasing importance of capitalist relations, money came to play a major role in social and economic life (See Vilar, 1976:25). And the importance of money meant the importance of precious metals. Any object, theoretically, can be used as money, as pepper was from time to time. However, the precious metals, especially gold, fulfill the role probably better than any other substance. Gold has always been the easiest commodity money to handle and transport in limited quantities and has, therefore, been a universal medium of international payment and means of balancing one country's trade deficit with another. Also gold is less difficult to extract and shape than silver or copper, even though the latter are more abundant (Vilar, 1976:22,26,33).

The degree to which the search for gold took hold at this time is an indication of the extent to which feudalism was already undermined in western Europe. Engels (1956:213), for example, wrote that the quest for gold "...however much it materialised at first in feudal and semi-feudal forms was at root already incompatible with feudalism, whose groundwork rested upon agriculture, and whose conquests were essentially directed at acquiring land." In the early sixteenth century, the accumulation of capital was an overriding economic and consequently social concern. As Frank (1978b:52) has written:

...the sixteenth century witnessed the first long, sustained, and widespread quantitative and qualitative development of capitalism in its mercantile stage and the first period of concentrated capital accumulation in Europe.

There were two primary ways of accumulating large amounts of capital. One was through scarcely-veiled plunder. The other was by establishing monopolistic control over the disposal of some commodity, and thereby dictating the terms of exchange to the advantage of the supplier. By far the quickest and easiest form of accumulation was through the discovery and plunder of sources of precious metals (Dobb, 1972:88).

Precious metals therefore, especially gold, were to play an important role in the expanding world market. Obviously trading arrangements in such a system were far too complex to be based on barter, and given the instability of the new economic and political arrangements, money of account might always collapse (Del Mar, 1969:137). Precious metals, therefore, were a primary prerequisite to the establishment and maintenance of such a market not only as the base of a monetary system but as the foundation of a European "collective confidence," a confidence necessary to develop and sustain a mode of surplus appropriation wherein profit was based on the deferring of realised value. Wallerstein (1974:46) writes:

Given this phenomenon of collective psychology, an integral element of the social structure of the time, bullion must be seen as an essential crop for a prospering world-economy.

The latter middle ages were marked by the economic theory that precious metals were wealth itself. The country that could sell abroad and thereby get gold in return grew richer, while the country which bought with gold, got poorer (Thompson, 1965:497). The economic revolution that took place in the fourteenth and fifteenth centuries was essentially mercantile and did not involve substantial changes in industrial techniques. There was, therefore, a lag in the

development of industrial techniques in general which meant a lag in industrial techniques for the extraction of precious metals in particular. Because of this, and because of the increased demand for capital, the supply of precious metals from the mines of western Europe did not keep pace with the expanding economy (Vicens Vives, 1969:197). In fact, from the end of the thirteenth to the middle of the fifteenth centuries, European silver production all but ceased for technological reasons. Even though nearly all European nations began to limit and restrict the export of precious metals, precious metals still continued to flow to the east and drain Europe (Nussbaum, 1937:92). There seemed to be no way of alleviating the shortage of precious metals either by replenishing the stock through increased mining, or increasing its velocity of exchange from hand to hand (Del Mar, 1969:136; Jacob, 1968:369). Long-distance trade required increased amounts of capital and Europe was desperately short of precious metals (Heckscher, 1955:344). Commerce, therefore, was inhibited by the subsequent inadequacies of the monetary and credit systems which were dependent on the flow of bullion and on large bullion reserves (Thompson, 1965:494; Glamann, 1978:430-431).

The shortage of precious metals became endemic. Even considering the gold imported from north-western Europe, a moderate amount coming from the mines of central Europe, and more substantial amounts from Senegal, the supply was barely adequate (Wallerstein, 1974:31, 46; Cook, 1970). Trade was growing faster than the stocks of silver, and public disorder encouraged the hoarding of bullion. Gold and silver had to meet the demands of decoration, currency, hoarding and payment of foreign debt (Heaton, 1948:176). Any perceived shortage,

in precious metals caused alarm. All over Europe, one country after another imposed strict regulations on the export of precious metals and limitations on the use of precious metals to pay for foreign commodities. England, for example, forbade export of gold and silver at least seven times during the fifteenth century. In addition, foreign merchants were ordered to buy English goods with part of the receipts of their sales in England. While such measures were, as Heaton (1948: 176) points out:

...emergency policies to meet critical conditions, they indicate a general attitude. Only mature economic centers which imported at least as much as they exported could regard precious metals with indifference...

After 1450, an increase in population, production and cultivation brought about a fall in all prices relative to gold, and those who had gold were able to buy increasing amounts of commodities. The search, therefore, between 1450 and 1500 for precious metals became especially profitable. Because the supply of gold in Europe was so limited at the time, even small discoveries had a great impact on the European gold markets (Vilar, 1976:19,137,45). Vicens Vives (1969:322) maintains that the lust for precious metals was as much due to the stories of the early explorers as to a shortage of precious metals in Europe, but it was the shortage, the demand, and the subsequent rise in the price of gold relative to other commodities which created the context within which these stories were heard by individuals. Had the value of gold not been so high, stories of its discovery would not have generated so much interest.

Fluctuations, for example, in the value of gold affected Genoese exploration in the Atlantic. When the price of gold was high - as in

the late thirteenth century when gold was thirteen or fourteen times more expensive than silver - there was increased activity and a capital financed expedition was tried by the Genoese to circumnavigate Africa. After 1350, however, when the ratio between gold and silver reached more normal levels there was a lull in Genoese exploration (See Vilar, 1976:47-48). In 1450, these explorations began again and the Genoese moved down the west coast of Africa trying to secure better and better access to gold markets. The Portugese and then the Spaniards, located near the gold route to Africa, were soon to join the search.

Portugal, Spain and the Atlantic Expansion

The expansion occurring in western Europe was a general one and was the result of a long evolutionary process in agriculture, technology, industry, communications, commercial and financial techniques and politics (Vilar, 1976:69). The expansion, therefore, first of Portugal and then of Spain into the Atlantic cannot be considered as a break or discontinuity with contemporary trends. It was a part of the more widespread expansion in the whole of western Europe. The Balaeric Islands, Sardinia and Corsica were recaptured for Christian Europe, the Normans conquered southern Italy and Sicily, Cyprus, Palestine and Syria, Crete and the Aegean Islands fell in the Crusades. The English expanded into Wales, Scotland and Ireland, and the Germans and Scandinavians moved into the lands of the Balts and Slavs (Wallerstein, 1974:38).

The Iberian states would respond to the pressures of expansion with overseas conquests largely because there was no other place to expand. Productive land in both countries was scarce and the

particular geographic location of Spain and Portugal between the Mediterranean and the Atlantic, and African and the North European trade, made Atlantic expansion the most logical alternative (Vilar, 1976:49). The Italians held a monopoly on trade from the east and were simply passing on to their customers in the rest of Europe the increasingly high costs of acquiring eastern goods. These high prices provided an additional stimulus to other countries like Spain and Portugal to seek their own trade routes with the east (Parry, 1963:46).

It is instructive to look at some of the reasons why Portugal was able to launch an undertaking so ambitious as overseas expansion as well as her motivations for doing so, since both are closely related to Spanish ability and motivation to expand into the Atlantic later. Portugal established the necessary structural prerequisites which allowed an overseas expansion earlier than any other western European country and was, during the later part of the fourteenth century, a vigorous trading nation (Diffie, 1977:37-41). Portugal had achieved a political stability at least a century before Spain, France, or England (Wallerstein, 1974:51). While France was involved in the Hundred Years War and in her rivalry with Burgundy, England was embroiled in a struggle with France and the War of the Roses, and Spain and Italy were involved in divisive dynastic disputes, Portugal was free to invest her energies in expanded commerce.

The planning, organising and financing of overseas expansion depended a great deal on a state which was free to provide competent governmental initiative and support (Boxer, 1963:6-8). Political stability was crucial because it created a climate in which entrepreneurs could flourish, and encouraged the nobility to find outlets for their energies other than internal or inter-European warfare.

The state in Europe would come to be one of the chief entrepreneurs (Wallerstein, 1974:51).

Along with a stable political situation, Portugal had behind her a long history of trading experience in the Atlantic and the Mediterranean. Portuguese governments had for centuries strongly promoted commercial activity and encouraged the presence of foreign merchants, especially the Italians. The Italians had long been financially involved with Iberian commercial enterprise (Wallerstein, 1974:49). The Italians contributed both capital and experience of the sea and shipbuilding. Because of these trading contacts, Portugal had a history of experience with the advanced money economies of the Christian Mediterranean. In the latter part of the fourteenth century Portuguese merchants were already growing wealthy from trade abroad and carried on an active commerce with the Muslims of Granada, Africa and the north (Diffie, 1977:26,37-40).

But if political stability and a trading and monetary tie to the Mediterranean were reasons for Portugal's ability to initiate such an expansion, what was the motivation? What did Portugal hope to gain? The Portuguese nobility was suffering from the same decline in seignorial incomes as the nobles in the rest of Europe and needed some way of bringing incomes back up to an acceptable level. Sources of profit had to be secured and exploitable land was just not available. Even though the overseas expansion of Portugal is traditionally associated with the interests of merchants who would profit by extended trade and monarchs who sought to increase both their status and their revenues, there is also evidence to indicate that the younger sons of the nobility who had no land, provided the initial motivation. The 'discovery business' as Wallerstein calls it, held potential

for many groups of people. It was the most likely route to increased revenue for the state - always in financial need - for the nobility squeezed by declining revenues, and the bourgeoisie which sought larger markets (Wallerstein, 1974:47).

There were a number of commodities that Europe needed in the fourteenth and fifteenth centuries and that Portugal hoped to provide. Food was important, and wheat and sugar became primary products of overseas expansion. Fish, meat, and spices were also important, and wood both to be used as fuel and for shipbuilding (Wallerstein, 1974: 40-44). Many writers, however (See Boxer, 1963; Smith, 1950, Vol II; Del Mar, 1969) maintain that the central motivating force behind Atlantic expansion for Portugal and later for Spain was to be precious metals.¹³

It is almost impossible to overestimate the effect that the lure of quick and easy wealth through the discovery of gold in distant places had on the minds of the people of the time. The desire for gold dominated the literature of the age (Lynch, 1964:141). Benjamin Keen (1965:15) calls it "...the sixteenth century dream of limitless wealth." There were few areas which held out the potential for quick wealth, but the metal market was one of these (Hale, 1971:145). As Braudel and Spooner (1967:498) remark, there was an almost 'superstitious reverence' for gold and silver.

Portugal, even more than other European countries, was suffering from a precious metal shortage and was one of the few European kingdoms without gold coinage. The drain of precious metals to the east and the fall in production from the central European mines affected Portugal greatly and her exploration into Africa largely involved an attempt to divert the gold routes in the western Sudan (See Boxer,

1969:7-19). Gold, in the fifteenth century came predominately from Africa brought from the interior to markets where European merchants competed for it. Obviously merchants wanted to get to the source of this gold themselves (Vilar, 1976:47). Through their expansion the Portugese succeeded in shifting gold routes to some extent from North Africa and the Mediterranean to the Atlantic, thereby shifting the main axis of commerce (Vilar, 1976:58; Frank, 1978b:39).

The Castilian Domestic Economy

While the Portugese were exploring the west African gold coast and developing increasingly lucrative trade routes, Spain was occupied with domestic struggles. It was not until 1497, when Isabella and Ferdinand assumed the joint throne of Castile and Aragon, that the work of forging a modern nation state, in a position to compete on the international market, really began. During the thirteenth and fourteenth centuries there had been not one Spain, but two. There was an Aragonese Spain, tied to the customs and economies of Italy, Sicily, and Sardinia, and carrying on an active trade in Tunis, Tlemcen and Morocco, and a Castilian Spain, heavily involved in internal disputes and the crusades against the Moors and lacking a trading tradition (Vilar, 1976:58). The marriage and assumption of the Spanish throne of Ferdinand and Isabella united in theory, if not in practice, the two kingdoms under one monarchy. Even though superficially Aragon appeared to be the stronger and more economically advanced region, the great plagues had had a much more severe and long lasting effect in Aragon than in Castile and much of the Aragonese economy had fallen into the hands of the Italians. Castile, on the other hand, was in a very advantageous position close to the

Atlantic centre of trade (Vilar, 1976:58). The marriage of the two monarchs merged the Mediterranean trading experience of the Aragonese with the Atlantic advantage and crusading spirit of Castile. This, combined with political stability, put Spain in a position to begin competing with Portugal for the lucrative African gold trade (Vilar, 1976:58).

Castile, after centuries of struggle, had finally defeated the Moors who had occupied the peninsula for centuries and driven them out of Spain. The defeat of the Moors brought to an end the era of easy wealth which could be acquired through conquest and plunder (Vilar, 1976:58). But the Castilians had, even by the thirteenth century, developed fairly set ideas about wealth and ways of securing it. Riches were the reward of conquest, not work. In Castilian society, riches were:

...considered not as something that one created or built, that is, worked for, but as something one conquered or enjoyed because of one's status as a warrior conqueror, a nobleman (Payne, 1973:77).

The defeat of the Moors ended the availability of this ready source of exploitable conquest. There were always possibilities of extending raids to the North African cities, but these were already becoming less and less lucrative since the Portuguese were diverting the gold trade in Western Africa (Vilar, 1976:60). In Spain as elsewhere a nobility faced with declining profits was on the look-out for alternative sources of wealth denied them in Spain (Castillo, 1930:25). As had been the case in Portugal, a number of groups - nobility, merchant, and the state - found their interests served by turning to the 'discovery business.'

That the Spanish, as had the Portuguese, chose this 'discovery business' as an alternative is not solely attributable to factors internal to the Spanish state, but heavily affected by Italian influence. The importance of foreign interests in Spain at this time, especially the Italians, is difficult to sort out and not clearly understood but it bears stressing nevertheless. In the middle ages, Italy was the only real colonising nation and the Italian merchants were active in the ports of Spain and Portugal as early as the twelfth century. They drew the coastal towns of the Iberian peninsula into international trade by using them as stopover points for their ships on route to England and Flanders. While in the beginning these towns were merely passive participants in Italian economic arrangements, they grew increasingly into commercial centres.

Italian interests further and further entrenched themselves in Spain. In the thirteenth and fourteenth centuries, the Genoese barrio in Seville was the hub of commercial activity. As Italian influence increased, the fortunes of the Spanish state and the Italian merchants began to merge and Spain gradually began to depend on Italian backed commerce. Even as early as the thirteenth century the Genoese were acting as money lenders to the Spanish monarchs, and this financial dependence was only to increase.

As the colonies of Genoa wained, the Italians more and more turned their interests westward to the economic involvement with Spain and Portugal. The Genoese embarked, at this juncture, on a different type of colonialism. They did not actually take over or occupy other regions, instead they exerted economic rather than political control. They would colonise now under the aegis of foreign states, reaping the benefits while avoiding the actual risks of conquests and colonial

occupation (See Verlinden, 1940, 1953; Cox 1959 for a discussion of the Italian involvement in Spanish expansion).

The Italians with their money and their interest in 'booty capitalism' helped to make possible the Spanish expansion into the Atlantic (MacKay, 1977:171-173). The Portugese and the Castilians, even though they had the motives and the abilities of launch Atlantic exploration lacked, as Parry (1963:48-49) notes:

...the capital, the commercial experience and the financial organisation to exploit commercially the discoveries which they made...Only in northern Italy and southern Germany were there commercial and financial houses big enough and well enough organised to supply the facilities which the Portugese and Spaniards lacked. Only by drawing upon the experience and borrowing the capital accumulated in Italy and south Germany, could the Spaniards and the Portugese exploit the wealth of the Indies, East or West.

In the beginning of the sixteenth century Spain, compared to other productive areas in western Europe, had a very small urban middle class. Most spending and wealth was that of the great Castilian lords or grandees, and not Spanish capitalists (Payne, 1973:269). Over eighty percent of the population were peasants who attempted to scrounge an existence out of the difficult Castilian soil (Vicens Vives, 1969:293). In 1481, landed serfs had been granted the right to abandon their lords, but this insurance of theoretical freedom did not ensure economic viability. Since ninety-seven percent of land was held by the aristocracy, it meant often, as Vicens Vives (1969:299) has written: "the freedom to die of hunger." Even though serfdom was abolished, only about one percent of the peasantry owned land or had any chance of acquiring capital (Payne, 1973:271). Peasants, faced with their inability to survive from the soil, increasingly left farming and the aristocracy turned it over to the grazing

of sheep. Castilian agriculture, consequently, was all but stagnant from the fourteenth century (Vicens Vives, 1969:250).

Essentially, the structure of the medieval Castilian economy rested on one product, wool, and the trade in wool was controlled by the great Castilian lords (Vicens Vives, 1969:250). In fact, the debilitation of agriculture was largely the result of sheep grazing. Farmers were unable to protect their land and crops from the destruction of the migratory flocks, backed as the wool trade was by powerful economic interests, and agricultural production suffered. Production only barely managed to meet local needs and even then, famine was a regular part of existence (Vicens Vives, 1969:250,302; Payne, 1973:155). In the beginning years of the sixteenth century, harvests were so bad that the government had to import massive quantities of foreign grain (Elliott, 1978:118). But even then, the Spanish crown lent their support to the growing sheep industry over agriculture.

From around 1273, when Alfonso X the Wise began organising the sheep industry into an administrative unit, the Spanish crown relied on the taxes from the wool trade for a substantial part of its income. Because of the financial overextension of the Spanish state, the monarchy needed to cultivate a sector of the economy which insured a high financial return and over which it could exert a strong measure of royal control (Fernández-Armesto, 1975:70). It was the clash between the agricultural and pastoral economy which Thompson (1965:247) places at the root of Castilian economic history. Sheep could more easily be taxed than farming and the taxes paid by sheep farmers to the royal treasury took on such an importance that the industry was paternally protected. The long-term effects of such a policy were easily ignored when the wool trade and the economy

generally appeared prosperous (Elliott, 1978:119).

Continual financial crisis marked by chronic monetary instability and debasements of coin frequent after the 1450's hindered capital and credit formation. Castile itself fell into a somewhat colonial economic position with the rest of Europe - exporting raw materials such as wool and iron, but having to import finished products such as cloth from England, France, and Flanders. Castile was and remained, distinctly under-commercialised and without the powerful mercantile class which distinguished other European countries. The basic weakness of the Castilian economy was an open invitation to the Italians and by the time of the reign of Ferdinand and Isabella, the Genoese controlled high financial circles in Castile.. An economy such as the one in Castile attracted the more sophisticated merchants and banking interests of the Italians who stepped into the breach and provided capital and business techniques (MacKay, 1977:170-173; Vicens Vives, 1969:312).

Contact with the gold of the western African countries had already led to an accumulation of considerable wealth in Spain. When, for example, in 1480 Isabella decided to collect unpaid taxes and debts from wealthy aristocrats, these nobles handed over vast sums without ruining themselves. The Duke of Alburquerque, for example, handed over 1,400,000 marvedis in one lump sum to the crown (Vilar, 1976:60). But even this aristocratic wealth was not sufficient to finance real competition with the Portugese in the Atlantic.

The Italians during this period dominated European monetary markets (Potter, 1957:113). As Parry (1963:45) notes:

...banks in Florence and in other northern and central Italian cities had huge capital and

widespread business interests, maintained by agents in all major centres. The size and efficiency of Italian commercial and financial organisation; the superiority of Italian manufactured products, the Italian monopoly of trade in eastern goods; all combined to tie the whole of Europe, in greater or less degree, commercially to northern Italy.

The Italians had led the way in the fifteenth century commercial recovery, but wars and the unfavourable balance of trade with the east constantly increased even Italy's need for precious metals (Parry, 1963:45). The German banking families such as the Fuggers also were important in generating the search for precious metals and in providing the capital to pay for trade (Vilar, 1976:52; Frank, 1978a:52). By the end of the fifteenth century the Fuggers controlled silver mines in Spain as well as elsewhere (Darby, 1957:39).

Wolf (1959:156-165) presents a picture of two Spains in 1492 headed for collision when the Moors were finally defeated. The one Spain, the aristocratic warring nobility - whose "...traditional economic interest lay in the extension of grazing range for its herds of cattle and sheep, coupled with a flourishing export trade in wool to northern Europe," and the warlike peasantry drawn into conflict with them through promises of freedom and land. The other Spain, a town based bourgeoisie, mostly centred in eastern Spain pressing for industrialisation and the trade with the Orient. The discoveries in America, Wolf maintains, allowed the evasion of this collision. With the discovery of the Americas - those who might have allied themselves with this rising bourgeoisie against the aristocracy now joined their fortunes with those of the knight adventurers. Spanish industrial development would never recover.

The Domestic Reforms of Ferdinand and Isabella

The rise of strong monarchical government was part of the changing condition in Europe and Spain evolved what was to become for a time the most powerful and centralised of all the western European national monarchies (Thompson, 1965:492-293). When Ferdinand and Isabella finally defeated the rival claimants to the Castilian throne in 1479, they united at least formally all of Spain under their domination. It was at this time that the work of forging the first modern state in Europe began (Lynch, 1964:148).

Anderson (1974b:39-41) describes the period of absolutism in western Europe as being "...profoundly over-determined by the growth of capitalism." It was a period in which elements of different modes of production existed under the waning dominance of the old feudalism. A new economy was at work within the old. It was a time of premonitions - foreshadowings of things to come. The absolutist Spanish state, profoundly infused with capitalist social relations, evidenced this growing capitalist influence imbedded within a feudal state.

Anderson (1974b:40) notes:

All the structures of the Absolutist state thus reveal the action from a distance of the new economy at work with the framework of an older system: hybrid "capitalizations" of feudal forms abounded.

It is in the domestic reforms of Ferdinand and Isabella that the emerging outline of a capitalist state in Spain can be seen most clearly. The centralisation of authority, growing bureaucracy, rationalisation of government and of law, reformed taxation, a huge mercenary standing army, and the stabilisation of property relations were hallmarks of the reign of the Catholic Monarchs. During the sixteenth century the Spanish state was developing the necessary apparatuses

to advance capitalist forms of appropriation. The outcroppings of capitalism which appeared in the sixteenth century paved the way for economic transformation, and the absolutist state secured certain conditions which made the eventual triumph of the capitalist mode of production possible (Anderson, 1974b:40).

Castile and Aragon, even though joined by one monarchy, did not achieve a unity of identity in the sixteenth century and maintained separate governmental structures, laws, traditions and customs. In fact, the marriage contract between Ferdinand and Isabella assured that this jealously guarded separation would, to some extent, be protected. Even though both regions were involved in the development of the Spanish state, it is events in Castile which are of primary concern, for it is in Castile that the reforming energies of the Catholic monarchs were concentrated, and it is Castile which launched the Atlantic expansion and controlled the subsequent events in the colonies. Ferdinand and Isabella, once they had joined the thrones, began almost immediately consolidating power at all levels in Castile. They created a complex governmental bureaucracy staffed not by the aristocracy, but by trained jurists, eroded the power of the localities by filling their institutions with royal officers, and centralised monetary control. They even wrested power away from the church.

The thriving government bureaucracy created by Ferdinand and Isabella was filled not with Spanish aristocracy, but with jurists (Lynch, 1964:48). The growing bureaucracy and a plethora of law seemed to go hand and hand. As Gibson (1966:111) wrote: "Bureaucracy bred law, and law bred bureaucracy." The law took on an ever increasing importance to the running of the state. The administration of law became an important tool in the centralisation of authority (Elliott, 1963:96-97).

The Spanish Monarchs attracted self-made legalists who rose in rank in opposition to the nobility (Beneyto Pérez, 1972:288). The lawyer seemed particularly well suited for this centralised authoritarian government, for he had, as Parry (1966:194) describes him:

...no excessive family pride, and as a rule no great ambition for military glory. His training gave him a deep respect for authority and for legal forms, and a habit of careful attention to detail, while it discouraged tendencies toward rash or unauthorized action. A judge, representing the jurisdiction of the monarch, could command the respect of swordsmen who would resent authority in the hands of one of their own class.

The Catholic Monarchs reformed and strengthened royal tribunals at the expense of the local tribunals and carried out the codification and standardisation of law (Kagan, 1981:25). It was important that law emanate from the state and not from the church (Haring, 1947:5). The reorganisation of the important Council of Castile involved a heavy emphasis on judicial matters and Ferdinand and Isabella personally lent their weight to the judicial structure by sitting on the Council on days in which it was devoted to judicial affairs (Meriman, 1918:121). A permanent Audiencia, or supreme court, was established along with a lesser regional audiencia. This was part of a general expansion of the rule of law in the sixteenth century (Payne, 1973:174).

One of the ways Ferdinand and Isabella diluted the power of the localities and therefore the aristocracy was by assuming control of what had been previously locally controlled institutions. The assumption of the control of the hermandades, or provincial police forces was central to this move. Not only did the monarchy reorganise and assume control of this important body, but forced even the nobility to contribute to its expenses (Lynch, 1964:5).

The decline in the authority of municipal self-government had begun really more than a century before the Catholic Kings assumed the throne, but they quickly moved into the breach created by this decline to consolidate power. So disorderly had life in the towns become that royal intervention was not seen as the further centralising of power, but as the welcome establishment of order in what had previously been disorderly existence (Merriman, 1918:145-146). Ferdinand and Isabella relied heavily on legal rather than military institutions to govern Castile (Kagan, 1981:123). Increasingly, municipal life in Spain came to be controlled by royal officials. The corregimiento was an administrative division presided over by a royal officer, the corregidor. At first, primarily a judicial officer sent out to settle disputed cases or to check up on other royal officials, the corregidor very quickly became what Merriman (1918:149) has described as an "omnicompetent servant of an absolute king." He was endowed with extensive political, administrative and judicial power (Ortiz, 1971:4), and from about 1480, there was a corregidor in every Spanish town (Ortiz, 1971:4; Fernandez-Armesto, 1975:88).

When Ferdinand and Isabella ascended the throne, the monetary system was a shambles and they were not able to initiate any substantial reforms, such as the standardisation of the value of coinage until around 1497 (Merriman, 1918:15). These reforms, however, provided Castile with a sound money system during the sixteenth century indeed, the most stable monetary system of its time (Hamilton, 1934:53; Ortiz, 1971:192). The Catholic Monarchs struggled to establish the orderly collection of taxes and to eliminate the monetary abuses of the nobility (Smith, 1965:123). But even though reform of the treasury began in 1480, and brought about a thirty-fold

increase in royal revenue from 1474 to 1504,,there was no essential tax reform. Nobles and the clergy enjoyed tax immunities while the poor were increasingly burdened (Payne, 1973:178; Vicens Vives, 1969: 312).

Not even the Church was exempt from the reforming and centralising zeal of Ferdinand and Isabella. The primacy of the crown could not be established without bringing under royal control this immensely wealthy and powerful institution (Elliott, 1963:99). The clergy represented the richest social group in Castilian society and therefore its interests coincided with those of the nobility (Vicens Vives, 1969:340). Nowhere in Catholic Europe did the Pope have less authority than in Spain. In 1514, for example, the publication of any papal bulls not previously examined and approved by the crown were forbidden (Davies, 1973:10).

Ferdinand and Isabella were more than willing to promise unfailing loyalty to the aims of the Catholic church, and to Rome, but in return, they wanted almost complete control of the church in Spain (Merriman, 1918:152). Ferdinand campaigned determinedly for control over church matters and gained, for example, through these efforts, power to nominate the officials of the Spanish Inquisition. The papal bulls of 1501 and 1508 were to give him an almost unparalleled power over the church in New Spain - to decide which clerics were to be appointed, what jurisdiction they would have, and even what they would be paid (Gibson, 1966:76).

The Catholic Monarchs were keenly aware of the importance of the control of ideas. Printing with movable type was introduced into Spain in 1470. At first books and pamphlets were welcomed, but

Ferdinand and Isabella quickly realised their dangerous potential. In 1502, they put into effect a law which stipulated that books could neither be printed nor imported into Spain without a royal licence which could only be acquired after royal examiners had approved the text. There were severe penalties stipulated for dealing in unlicensed material. The circulation of banned books or the owning of an unlicensed manuscript on a religious subject was punishable by death. This control of the press was to become more centralised later under Charles V (Schulte, 1968:12,68-71).

With characteristic conservatism and political finesse, the Catholic Monarchs streamlined and improved existing institutions in Castile. They tightened and made more efficient existing institutions of revenue collection rather than create new ones (Merriman, 1918:131). They encouraged capital accumulation, large-scale estate management and commerce. They also encouraged a free and mobile peasantry (Fernández-Armesto, 1975:69). They established an internal peace indispensable for a development of commercial life. They favoured commerce and foreign trade, carried through some negotiations on the behalf of merchants with sovereigns of other kingdoms. Commerce benefited under Ferdinand and Isabella due to protective maritime legislation and support of wool exports (Payne, 1973:273). The Catholic Monarchs were not always successful, but under their rule Castile experienced a continuous development of industry and commerce (Sanchez-Albornoz, 1975:876-877).

The changed nature of the state at this time can be seen not only in the domestic reforms of Ferdinand and Isabella, but in their establishment of a huge standing army. The army was supported not by

feudal lords, but by royal taxation and immense private capital (Thompson, 1965:492-293). Ferdinand and Isabella established one of the greatest armies in Europe and showed an early recognition of the importance of keeping the nobility out of it (Smith, 1965:137; Merri-man, 1918:165). In fact, the central part that Spain played in sixteenth century Europe was partly due to their military greatness. But the payment of mercenary armies necessarily involved precious metals. The Spanish Monarchs could ill afford to risk the loyalty of troops who might, given a better offer, change sides. The large Italian and German banking families were the only ones who could be depended on to ensure gold at the right place at the right time. But the dependence on these banking families involved high interest rates (Davies, 1973:24).

There was an unquestionable shifting of political power away from the feudal aristocracy toward the centralised authority of the crown during the reign of Ferdinand and Isabella (Merriman, 1918:110-111). The domestic reforms of the Catholic Monarchs, however, also enriched the aristocracy (Vicens Vives, 1972:255). Anderson has written that the paradox of the absolutist state of this time was that while fundamentally protecting the property and privileges of the old aristocracy, it still managed to secure some conditions for the promotion of budding mercantile interests and the manufacturing class. The absolutist state, Anderson (1974b:40) maintains:

...accomplished certain partial functions in the primitive accumulation necessary for the eventual triumph of the capitalist mode of production itself.

But at the same time, the absolutist state also secured some of the conditions necessary for the feudal aristocracy to maintain its power.

Ferdinand and Isabella were consequently keenly jealous of the power of the aristocracy. They forbade the building of new castles and private wars between the feudal estates were declared illegal (Payne, 1973:174; Lynch, 1964:5). They did not, however, want to so exclude the nobility from the government that the nobles retired to their estates to hatch plots. The Crown adopted an intermediate course, allowing the nobility to retain some insignificant titles and a few significant ones in order to maintain their ties with the monarchy. The nobility was encouraged to spend a great deal of time at court, more so they could be supervised than for any other purpose. As Merriman (1918:10) notes:

Flattery and cajolery were thus judiciously mixed with vigorous measures of suppression, in the sovereign's treatment of their unruly magnates.

Ferdinand and Isabella, however, consistently implemented policy favourable to the aristocracy. They affirmed and extended the right to hereditary transmission of entailed property, they approved a policy of matrimonial connections which only served to concentrate property in the hands of those who already had it. They pursued a policy in the Reconquest of Granada in which most of the recovered lands were granted to nobles, and, in the beginning of the sixteenth century, faced with an agrarian crisis, they put up for sale the lands of free farmers (Vicens Vives, 1969:296).

As Vicens Vives (1969:296-297) sums it up, during this time a third of the country's revenue belonged to the king, a third to the nobility and a third to the Church. Even though Ferdinand and Isabella attempted to subvert the aristocracy's political power by filling the ranks of the bureaucracy with an educated middle class,

subordinate executive power was still turned over to the royal grantees, in viceroyships as well as in high military posts, and royal governors of the cities were drawn from the ranks of the lower nobility.

Even with the determined measures to centralise authority and sap the power of the aristocracy, the Catholic Kings never really displaced the economic power of the nobility. In 1500, the nobility comprised approximately 1.5% of the population and held approximately 97% of the land (Vicens Vives, 1972:253). The aristocracy was as entrenched economically at the death of Isabella as it had ever been before and was still the power behind the monarchy (Lynch, 1964:12-13). As Vicens Vives (1969:338) has characterised the situation, the Spanish nobility, as powerful as ever, seemed to be simply waiting for the opportunity to reassert its political control.

The reforms of the Catholic monarchs and their efforts to bring into being a modern state were crucially important to the discovery of America. At the time of the discoveries, the Spanish state was strong both militarily and administratively (Ortiz, 1971:279). And the prosperity created by the paternalistically protected wool trade contributed to Spain's willingness to look outward (Elliott, 1963: 3). It is doubtful that without such rationalisation of the state, the voyages of exploration would ever have been supported by the Spanish crown or if they had, if Spain could have held onto such a dispersed empire (Ortiz, 1971:279).

Columbus and the Search for Gold

The Spanish monarchs were, for the various reasons discussed, receptive to the proposals for explorations which might guarantee the

capital the economy needed to further expand. After first ignoring Columbus and his plan to reach the Oirent by sailing west, and crown finally agreed to help outfit a voyage primarily financed by the private capital of bankers and the nobility of Andalusia. Columbus was in fact introduced into the Spanish court by a Florentine banker and the endeavour was inspired by the prospect of profit (Vilar, 1976: 61-63). The Mediterranean trade was monopolised by the Italians and the Portugese were jealously guarding their gold and trading interests in West Africa from Spanish and other European interlopers (Parry, 1963:20; Boxer, 1969:32). The Spanish, if they were to expand at all, had to outflank one or the other and the water routes to the east were the most promising option. Gold above all, was the primary motivator both for the state and for individuals. Gold was both the most lucrative and most symbolic of all commodities (Vilar, 1976: 66).

It was, however, not only gold, but the promise of gold that unleashed Atlantic expansion and ensured that the conquests would be haphazard and vicious (See Vilar, 1976:65). Part of the psychology of gold discovery as a means of accumulation was its immediacy. For the state, it meant short-term accumulation of capital. And, as has been illustrated the Spanish state was quite willing to sacrifice long-term stability for short-term gain. The devastation of Spanish agriculture was brought about to a large extent by the more immediate gain to be secured from the taxes on sheep farming. For individuals, the 'discovery business' promised wealth beyond anything that could be gained through other endeavours, and wealth without the investment of a lifetime of toil. No other commodity promised so much. And,

even small discoveries, due to the scarcity of gold, its demand, and its consequent high value relative to other commodities, generated the dreams of El Dorado (Vilar, 1976:109).

The mercantilist theories of the age assumed that an abundance of precious metals meant prosperity, and economic wellbeing was assumed to be assured through the acquiring of precious metals (Larraz, 1963: 18). Columbus' expedition was not a mere chance 'extra economic' occurrence, but the culmination of an internal development in the western European economy which for very specific conjunctural reasons reached out in search of gold and other precious metals. The preoccupation with precious metals can be seen in all of the subsequent Atlantic exploration and colonisation. Columbus himself, as evidenced by his diaries, was obsessed with gold and it was the first thing he enquired about on reaching the Caribbean islands (Coornaert, 1967: 267; Vilar, 1976:63).

On Columbus' first voyage, he landed on the northeast coast of Cuba and the northern shores of Hispaniola (Haiti). The voyage was considered a success by the Spaniards, but an expensive success. The few gold trinkets bartered from the natives in Hispaniola convinced Columbus that the islands were rich in gold, and he left a group of his men on the island with orders to build houses and search for gold mines (Parry, 1963:151). Back in Spain, Columbus' presentation of the gold to the crown excited the crown's interest and aroused expectations of great treasures of gold to be had in the New World (Smith, 1950:69). Anxious for a return on their investment, the crown ordered immediately that Columbus prepare for another voyage. Columbus set sail in September of 1493. The main cargo of this voyage was men with the purpose of establishing a mining and farming

colony which would pay for the voyage by remitting gold to Spain (Parry, 1963:152). But when Columbus arrived, he found the previous settlement wiped out. Left behind to search for gold, the Spaniards had roamed the island at will abusing the Indians (Sauer, 1966:72). The men of the second voyage as well were dispatched with little selection and had been motivated to join the expedition through the stories of gold brought back by Columbus. There was almost no thought given to what so many men would do in Hispaniola, whether they had any commitment to the endeavour or to Columbus, supposedly their leader (Sauer, 1966:70-71). So the new settlers as well spent most of their energies hunting for gold and slaves ignoring the more mundane chores of settlement. The difficulty of getting gold-hungry Spaniards to establish an organised settlement was to plague the crown in all its Atlantic explorations. The lure of gold, however, prompted the Spanish state to allow private exploration of the New World by these unregulated men (Parry, 1966:48,153).

In the account of his second voyage, Columbus sought to explain to the Catholic sovereigns why he had not sent any gold and proposed founding a colony near where gold could be found (Del Mar, 1969:141). He imposed a tribute of gold on the whole population of Hispaniola, but the natives complained that they didn't know where to find such quantities of gold. One Indian leader, or cacique, offered to supply enough food to keep the Spaniards fed, but he was turned down. Gold was the concern (Helps, 1900:103). There were, however, simply no mines of any consequence in Hispaniola. By 1520, what gold there had been was depleted and the native population all but extinct (Helms, 1975:136). El Dorado had not yet materialised, but the Spanish crown and its subjects were still intent on pursuing the 'discovery business'.

Summary

In order to make sense of the organised violence of the Age of the Conquistador - the first thirty years of Spanish presence in Mexico - it is necessary to understand something of the economic context within which that violence took place. The latter part of the fifteenth and the first part of the sixteenth centuries were characterised by the emergence of an interlocking capitalist world economic system in western Europe. This nascent capitalist world economic system formed the context of organised violence in Mexico. For, the Atlantic explorations were undertaken primarily because of the importance of precious metals within this capitalist world economic system, and after the Spanish conquest Mexico was assigned a position within this western European economic system, a part in the division of labour and specialisation within the system partly determined by the discovery of precious metals.

The first part of the sixteenth century was characterised by developments which would pave the way for capitalism - primitive accumulation, the rise of the modern state, the freeing of the state from dependence on a feudal aristocracy and ground-rents. In the domestic reforms of Ferdinand and Isabella it is possible to see the emergence of the modern state. And the growing dependence of the economies of western Europe on monetary transactions and therefore a supply of precious metals signalled the erosion of feudalism and the early emergence of a capitalist world system.

Given the particular set of economic contingencies - the emergence of commodity relations, widespread trading and commerce, a need for precious metals, for example - a range of responses in Mexico was

possible. But as was noted, this range was not infinite and certain responses had a higher probability of occurring than did others. The nature of the organised violence which took place in Mexico, its harshness and its focus on economic concerns, was all but an inevitable outcome of the economic conditions of the time.

CHAPTER VIII

WARFARE IN THE AGE OF THE CONQUISTADOR

From the foregoing chapter, it is evident that the western European economic world system of the sixteenth century was radically different from the MesoAmerican world system of the same time. When the Spaniards arrived in Mexico, the men from two social formations at two very different levels of development came into contact. Men conditioned in two very different socioeconomic contexts, confronted each other. Their motivations, their ambitions and their world views were different. The differing economic systems of these two social formations structured, in large part, the function and therefore the conduct of the warfare engaged in by the two groups of men.

The Aztecs conducted or threatened warfare for two primary reasons: to maintain the Aztec state as a polity in a position of dominance with regard to surrounding Indian groups, or to secure and maintain rights to the agricultural surplus of targeted Indian groups. The Aztec state was not intent on changing the nature of economic production in these conquered territories, or in most cases, forcing people of a particular territory to provide a specific commodity they did not ordinarily produce. The intent of Aztec warfare was primarily to establish tribute agreements with other groups in which surplus production was channelled to the Aztec ruling class. The Aztec state was only peripherally interested in the immediate booty from conquests. And indeed, as was noted, the state initiated

measures to control widespread looting which interfered with its long-term aims - those of maintaining continued appropriation of agricultural surplus. The Aztec state also engaged in complex negotiations with other groups in order to avoid warfare if tribute agreements could be reached without it. Because the Aztec state depended for its support on the production of the peoples of conquered territories, it had little investment in devastating a region in warfare or depopulating it. State interests were served by maintaining production so that surplus production could be channelled to the Aztec ruling class. Additionally, Aztec society was not infused with commodity relations. The goods secured through tribute were not valued as commodities in and of themselves, but for the social standing they bestowed on the receiver within the society. Their value was in their use, their display, and in their redistribution, not in their possession.

In the money economies of western Europe, however, the characteristics of a nascent capitalism had already started to permeate the levels of the social formation. Money transactions had come to play a pre-eminent role in economic life, and the shortage of precious metals with which to conduct those money transactions led to the increasing value of and therefore the increasing search for gold. The Spanish in their explorations and conquests were not interested in merely siphoning off agricultural surplus from the Mexican Indians, in other words replacing the Aztecs as receivers of tribute in the form of agricultural products. They were primarily interested in a commodity, gold. Since booty in the form of gold was the primary consideration of the Spanish Conquistadors, they had no vested interest, as did the Aztecs, in maintaining the productive capacity of

the Indian groups they fought. There were no restraining forces, therefore, on the devastation of the Indian population. The warfare of the Spaniards against the Mexican Indians had a different function than did the warfare of the Aztecs against their neighbours, and this difference was largely determined by the differences in the economic contexts underlying the two social formations.

It must be remembered, however, that even though the powerful Spanish state and the wealthy European merchants and banking houses primarily financed and promoted Atlantic exploration, the explorations themselves were not carried out by state officials or bankers. They were carried out by what were essentially warring medieval bands, by Conquistadors (Góngora, 1975:12). Because of the economic situation in western Europe, the Spanish state was interested in precious metals, as were the Conquistadors. In these early years the state and the Conquistadors shared a similar goal, both were interested in conquests and a quick return on the investments they had made in exploration. The Spanish state forfeited a considerable amount of control over the men who conducted the explorations in order to achieve conquests with the least possible investment. This policy would cause the Spanish state considerable problems in the later years of colonisation. The Spanish state in whose name these men explored and conquered would, after the Conquest, exert power to control the activities of the Conquistadors and secure a great part of the discovered wealth for itself. The warring groups of men who undertook explorations were useful to the state in conquering new territories, but the establishment of feudal estates and yet another aristocracy in Mexico was something the Spanish Crown was determined to prevent. The Crown would move

quickly after the Conquest, as will be discussed in more detail in a later chapter, to impose its will over economic organisation in Mexico. But in the preliminary contacts between the Spaniards and the Indians, the Spanish state had little control. The economic structure of the western European world system moulded the designs of the Spanish state and its ambitions in Mexico and influenced the way in which the conquests were carried out. The quest for gold and personal enrichment conditioned the temperament of the Spanish Conquistadors and their initial contacts with the Indians.

The Conquistadors

Because the Spanish state exerted little control over the military conquest of Mexico, it is instructive in understanding the violence of the Conquest to look at the temperament of the men who carried it out. It has been written that a man resembles his age more closely than he resembles his own father, and the Conquistadors definitely were a product of their age. The men who boarded the ships setting sail for the New World came from a crusading society - a society which had for centuries been campaigning to drive the Moors from Spain. They brought with them the "ambitions, the prejudices, and the habits and the values" that had developed within that conquest society (Elliott, 1963:62-65). The men of no other European society so disdained manual labour. They each aspired to being the perfect hidalgo - the man whose primary interests were war and booty, who represented himself as being able to accomplish any feat through strength of will. The literature of the age was filled with stories of hidalgo heroes and their chivalry (Schulte, 1968:69). Elliott (1978:32),

in his book Imperial Spain, describes the way these men conceived of themselves:

...the Castilian noble confirmed to his own entire satisfaction that true wealth consisted essentially of booty and land...his highest admiration came to be reserved for the military virtues of courage and honour. In this way was established the concept of the perfect hidalgo as a man who lived for war, who would do the impossible through sheer physical courage and a constant effort of the will...

The Reconquista, the reconquest of Spain from the Moors, had given Castilian society a distinctive flavour. It had a profound effect on the kind of men who came to the New World and the kind of society they played a part in transferring to Mexico. Although these men conquered in the name of the Spanish state, an important part of their motivation for doing so was a desire for adventure and personal wealth.

It was long established practice from the time of the Reconquista that fighting men were granted a large share of the spoils of conquest, especially land. The men who sailed to the New World expected to gain their share of the spoils of conquest as had been customary during the Reconquista. In the Atlantic explorations, gold was anticipated to be the likely reward. As Adam Smith (1950; Vol I: 66) noted: "Every Spaniard who sailed to America expected to find an Eldorado." This search for El Dorado, for gold and wealth beyond anything imagined, acted as a driving force which motivated many to risk the hazards of exploration.

Hernan Cortés exemplified well the concerns and ambitions of the Conquistador mentality so characteristic of the age. Cortés first sailed on an expedition to the Indies in 1504, when he was only nineteen. Francisco López de Gómara (1964:10), who years later served

Cortés as a personal secretary, wrote at the time, Cortés thought:

...he had only to arrive (in the Indies) in order to be weighed down with gold...

But Cortés found, as did others, that there was no gold of any significance in Hispaniola. Cortés was advised to register as a citizen and acquire land and the rights of cultivation. But Cortés, according to Gomara (1964:10), regarded the advice with scorn - saying he preferred mining. Five or six years later, dissatisfied with life in Hispaniola, Cortés went to Cuba. He settled in Cuba for a time, and using the labour of the Indians allotted to him, raised cattle and horses and did some mining. But the settled agrarian life did not suit a Spanish temperament forged on tales of Moorish conquest and the discovery of gold. Cortés, like other Spaniards, was in search of El Dorado and he found it neither in Hispaniola nor in Cuba. El Dorado remained a dream, but a dream the Spaniards were still in search of.

When Diego Velázquez, governor of Cuba, dispatched an expedition in 1517 to explore and trade on the coast of Mexico, the captain of the expedition returned bearing tales of a land rich in gold (Cortés, 1972:5). Velázquez was anxiously awaiting official permission from Spain to conquer and colonise the new lands. He had, at the time, only permission to barter for goods with the natives. Velázquez, however, dispatched another expedition thinking he might at least acquire some gold and silver through trading while he awaited the royal response (Gomara, 1964:14).

When the expedition took longer to return than Velazquez had expected, he decided to dispatch another expedition to be led by Cortés. Ostensibly this expedition was sent to search for the

previous one which had disappeared, but it is possible that Velazquez was more interested in keeping his claim to the Mexican lands alive than in finding the second expedition. But Cortés had plans of his own. Even though neither he nor Velázquez had permission to do anything but trade, Cortés was determined to carry out the conquest of this new territory. He left Cuba secretly with more than three hundred Spaniards in order to avoid the possibility that Velázquez would be granted jurisdiction over the new lands which he, Cortés, wanted for himself. Velázquez was not pleased with this turn of events and all the time Cortés was carrying on his campaign to conquer Mexico, a furious bureaucratic battle was going on in Cuba and in Spain for recognition of rights in the new lands (See Gomara, 1964:21; Elliott, 1972: 10).

The political battle for recognition by the Crown of rights to conquer and colonise Mexico formed a backdrop to events there, and put considerable pressure on Cortés and his men to accomplish the conquest as quickly as possible. Cortés knew that if he was to see his claim to the new lands upheld he had to present the Crown with results, in other words with a conquered territory and gold. This pressure as well as the search for gold contributed to the ruthlessness of the Conquest.

The Initial Contacts with the Indians

The Spaniards' almost single-minded concern with finding gold is well illustrated in the confrontations between them and the Indians. Each time the Spaniards came in contact with a new Indian group, they were mainly interested in finding out whether or not these Indians

possessed gold (Smith, 1950, Vol I: 396-397). When Cortés and his men first landed on the island of Cozumel, they found that the inhabitants had abandoned the island in fear. So the Spaniards explored the villages and brought back the few bits of gold mixed with copper that were found. Cozumel was certainly not the El Dorado the Spaniards were seeking. So Cortés coaxed the Indians back to the island and returned the objects (Díaz, 1963:58). Since there was no plunder of value, Cortés used the opportunity to garner the good will of the Indians with the intent of getting any information he could about where more gold could be found. The Spaniards had not risked their lives and charges of treason for such a small amount of gold.

The conviction of the Spaniards that there was much gold to be found is illustrated well in a story related by Bernal Díaz (1963: 67). When Cortés and his men set sail for Yucatan after leaving Cozumel, a Spaniard who had lived as an Indian for many years and who was serving as an interpreter for the Spaniards, tried to encourage Cortés to take some towns he knew of where there was a small amount of gold. Cortés, according to Díaz "answered with a laugh that he was not after such small game."

The Spaniards were not always so peaceable, however, and they were quite prepared to fight when they felt it was to their advantage. When, for example, the Spaniards landed on the coast of Yucatan they found not deserted villages, but Indians prepared to defend themselves. The Indians assembled on the shore and told the Spaniards to go back to sea. When this failed to deter the Spaniards the Indians drew up their archers and threatened the Spaniards, shouting at them to leave. The Spaniards, however, took no heed. The following day Indians appeared with food and again tried to convince the Spaniards to eat and

be off. Cortés, however, according to a letter sent to Charles V, told the Indians that the Spaniards would on no account leave until they had "learnt the secrets" of the land. The Spaniards then proceeded to inform the Indians that they were vassals of the Spanish King and therefore should not prevent that king's representatives from entering their towns. The Indians were not impressed. Cortés (1972:19) wrote:

...they replied forbidding us to enter their town
and ordering us to be gone...

Gómara (1964:40) wrote that the Indians then said nothing more "...except to tell the Spaniards again to leave and not play the bully in someone else's land..." The Spaniards, however, were intent on playing the bully, as Gómara put it, since they had not found the gold they were seeking. They proceeded to the Indian town and Cortes and his men took it by force. "A great deal of Indian blood (was) spilled," Gómara wrote. And in the aftermath, little had been gained. Gómara (1964:42) continues:

The Spaniards searched the houses and found little, only some maize, turkeys, and a few cotton things, but no sign of gold.

Militarily defeated, the Indians brought some gold and trinkets for the Spaniards and pleaded with them to leave. Cortés told them he would be pleased to do them no more harm, but henceforth they must consider themselves vassals of the greatest monarchs on earth and must serve the Spaniards. Once they had done so, Cortés told them, the Spanish monarchy would grant them many favours and protect them from their enemies. The Indians replied, wrote Cortés to Charles V:

...that they were content to do so but still required us to leave their land; and so we became friends (Cortés, 1972:20).

The Indians were confronted with yet another set of warriors demanding

allegiance to yet another state. The Spaniards, as had the Aztecs before them, assumed sovereignty over these tribes of Indians and any resistance was deemed rebellion. The Spaniards were to be dissuaded by nothing but the fulfillment of their dreams of wealth and power in the new lands, and the gold trinkets possessed by these coastal Indians were few. Because the gold was so thin but so highly valued by the Indians, the Spaniards concluded that the pieces had come to them through trade (Cortés, 1972:23).

When the Spaniards reached the town of Tabasco they asked the Indians they encountered where their gold came from. "They answered," wrote Díaz (1963:81) "from the direction of the sunset, saying 'Culua' and 'Mexico'." The Tabascans told the Spaniards that they had little interest in living as rich men, only in being contented and happy. They could not even tell the Spaniards what a gold mine was and did not seek gold except the little they found in the streams which they picked up. They added, however, that further inland was a group of people who valued gold much more than they and possessed much of it (Gómara, 1964:49).

It became evident to the Spaniards that the defeat of the Aztecs and their ruler Moctezuma II was the key to power and wealth in the new territory. Cortés and his men established that even the coastal Indian groups were part of the tribute domain of the Aztecs, and Cortés (1972:128) wrote to Charles V: "...it was the capital city of the land which all others obeyed." The Spaniards soon realised that it was with the conquest of this capital city and its empire that real domination of Mexico rested. The capture of this city-state would give the Spaniards control of most of the region (See Helms, 1975:

147). If Cortés was to convince the Spanish court to give authority in Mexico to him rather than to Velázquez, he had to show that he had secured a vast and wealthy empire for the sovereign of Castile, before his enemies at court convinced the Crown that he was a traitor for exceeding his authority in Mexico. He did so with surprising speed and considerable tactical acumen (See Elliott, 1972:11). The Spaniards set out on their journey toward the sunset, toward the apex of the pyramid of power in Mexico, and toward gold. Gold was the ever present obsession and there was none to speak of in Yucatan and the coastal cities (Chapman, 1957:130).

Cortés and his men, having convinced themselves that the coastal towns were poor "...there being no gold or silver or other treasure " (Gómara, 1964:50) set out to central Mexico. They found on the journey a country full of Indian groups in widely disparate stages of development. Some of these groups were very primitive, while others such as the Aztecs had evolved a highly advanced civilisation (Toro, 1934:13-15). Cortés, in his contact with these groups, discovered that he could easily mobilise the resentment of the people in some of Moctezuma's vassal states, and the resentment within other states where people had fought bitterly with the Aztecs to retain their independence from the empire. These people were quick to see the Spaniards and their power as a means of freeing themselves from the yoke of Aztec domination, and Cortés seized the opportunity by representing himself and the Spanish as great liberators and protectors (Díaz, 1963: 108).

The ruler of Cempoala, for example, told Cortés that his people had lived in peace and happiness until Moctezuma's empire had placed

them in servitude. He told Cortés that the Aztecs had come into his country "with religious pretexts" and then seized all the arms and made themselves masters. The Cempoalans said they had soon realised their mistake, but any attempts to free themselves from Aztec domination only worsened their lot. Moctezuma took all their possessions, and sent constables and tax collectors to their houses (Gómara, 1964: 72-74). The Cempoalans, therefore, bore the Aztecs a considerable grudge and were eager to ally themselves with the Spaniards. Cortés told them he had only come:

...to right wrongs and succor the oppressed, favor the weak, and destroy tyrannies... (Gómara, 1964:74).

Using a combination of military and political expertise the Spaniards, as they moved across Mexico, cajoled, manipulated and divided the various Indian groups they came in contact with. Cortés capitalised on the resentment felt by conquered Indian groups against the Aztecs and provoked rebellion all over the empire. At the same time, he sent messages of friendship to Moctezuma. Cortés wrote in a letter to Charles V:

...I maneuvered one against the other and thanked each side for their warnings and told each that I held his friendship to be of more worth than the others (Cortés, 1972:70).

One example of the maneuvering of Cortés involved the Cempoalans. Cortés talked the Cempoalans into taking prisoner some of Moctezuma's tax collectors - a grave offence. He had the Cempoalans send word to the surrounding Indian groups that no more were they to pay tribute to Moctezuma. Cortés then took charge of the prisoners. Privately he maintained to the tax collectors that the Cempoalans had been the ones who wanted to take them prisoner and that he, Cortés, had saved

them. Cortés released the prisoners with instructions to return to Moctezuma bearing the message of Cortés' good will. After the tax collectors had gone, he feigned anger to the Cempoalans that they had escaped (See Díaz, 1963:112-113).

The Cempoalans were terrified that the Aztecs would descend on them and make war, but Cortés assured them "with a most cheerful smile " (Díaz, 1963:113) that he would protect them. Cortés, through these actions, assured that the Cempoalans could not back out of their alliance with the Spanish, since their only hope of assistance was the Spanish should the Aztecs decide to attack. Always careful of the legal formalities, Cortés duly had a Spanish notary take down the Cempoalans' oath of obedience (Díaz, 1963:113).

Moctezuma sent messengers in response to tell Cortés that he was displeased about the rebellion and that his subjects would not have had the courage to rebel without Spanish protection. Cortés made his intentions in Mexico quite clear when he had the representatives return with a message to Moctezuma saying that the Cempoalans could not serve two masters, and that they had sworn allegiance to the Spaniards and their king (Díaz, 1963:115).

If fine words and gifts did not win for Cortés and his men the supplies and alliances they needed, they used trickery or force. By defeating one Indian group after another, they gained the support of additional allies who were then inclined to switch to what seemed the winning side in the shifting cauldron of alliances in Mexico. The defeated and those who became allies sent out appeals to other lords and towns to join the rebellion against the Aztecs. As Gomara (1964: 80) writes: "...open war was declared against Moctezuma." From the

coast to Tenochtitlan, Cortés manipulated and fought his way through this maze of Mexican tribal politics.

The Tlaxcalan Indians proved to be both the fiercest foes of the Aztecs and the most difficult group for the Spaniards to subdue. Having fought for many years - nearly a hundred according to Gómara (1964: 122) - to maintain their independence from Tenochtitlan, they were bitter enemies of the Aztecs. Surrounded by Aztec vassal states, they were subject to trade restrictions of the Aztecs and consequently were allowed no salt or cotton (Díaz, 1963:154). They would not have suffered such deprivations, they later told Cortés had they been prepared to accept Aztec domination and become one of the empire's vassals (Gómara, 1964:115-116). Having fought diligently, however, to maintain their independence, they were ill inclined to either trust or be intimidated by the Spaniards who were by that time marching across Mexico with peoples who had been vassals and friends of Moctezuma (Díaz, 1963:140). In the first encounter between the Spaniards and the Tlaxcalans, the Tlaxcalans mustered more than 80,000 men. After an extremely difficult campaign, during the course of which Cortés had the hands of fifty Tlaxcalan 'spies' removed, the Tlaxcalans allied themselves with the Spanish and this Tlaxcalan alliance greatly upset the Aztecs. The Tlaxcalans, who had good reason for despising the Aztecs, were formidable fighters (Gómara, 1964:100-115).

The fame of the Spaniards spread all over the country after their defeat of the Tlaxcalans. "Terror" writes Díaz (1963:166) "spread through the whole land." Cortés was pleased to have gained the Tlaxcalans as allies but he continued to play the friend of both

the Tlaxcalans and Moctezuma (Gómara, 1964:122).

The Technology of Warfare

The different levels of development of these two social formations is nowhere more evident than in their technologies of warfare. The Aztecs maintained their dominant position as surplus takers in the region through a complex system of political, ideological and military maneuvering. From the moment Cortés and his men landed on the eastern shore, however, an entirely new element entered the system of power relations in Mexico. The result for the Aztecs was catastrophic. With the arrival of the Spanish, there was a source of power in Mexico which could compete with the power of the Aztecs - an alternative to what had often seemed like an invincible force. As intimidating as the Aztecs were with their ferocious armies, their great city, their gruesome ceremonial displays and their majestic ruler, not even they could compete with the sight of these bearded, fair-skinned Spaniards with their horses and cannons and steel swords. The Aztecs, fearful as they might be, were at least recognisable, familiar. They fought in predictable ways. The Spaniards, however, were alien beings with alien ways of fighting wars. They engaged in none of the elaborate ceremonies of negotiation before warfare nor fought ceremonially.

After one battle Cortés and his men, for example, asked the Indians of Tabasco why such a great number of them had fled from so few Spaniards. The Indians replied that they had been terrified by the flashing of the Spaniard's steel swords and by the wounds which they inflicted since they were deep and incurable. The guns, they said,

roared and flamed like thunder and lightening. And the horses astonished them. Even though they were swift runners, the Spanish horses easily overtook them (Gómara, 1964:50). And, as Díaz (1963:76) records, the Indians having never seen a horse, thought "horse and rider were one creature."

Cortés was extremely adept at using any perceived advantage the Spaniards had over the Indians. One of the main advantages they had was their strangeness, and the Indian's consequent tendency to regard them as possessing supernatural power. Díaz (1963:79-80) relates a story of how Cortés used the horses to intimidate the Indians. Cortés had a mare which had just foaled tethered to a certain spot, and then gave a stallion her scent. When an Indian group came to the Spanish camp, he talked with them on the same spot where the mare had been. The stallion began to paw the ground furiously and neigh, all the time looking at the spot where the Indians stood. The actions of the stallion, which made him appear to be trying to attack the Indians, terrified them. When Cortés calmly had the stallion led away, he showed himself master of even these terrible beasts.

After the defeat of another Indian group, the Tabascans, lords and nobles came to the Spaniards to plead for forgiveness, offering presents and slaves. When the horses tied in the courtyard began to neigh, the Indians asked what the fearful creatures were saying. Cortés replied that the horses were scolding him for not punishing the Indians. The Indians then dutifully offered the horses roses and turkeys and begged their pardon (Gómara, 1964:49). In San Juan de Ulua, Cortés had his armed men parade in front of the people and their leader, and staged a mock combat complete with horse charge and

cannon fire. Gomara (1964:58) describes the reaction of the Indians:

The Indians stared at the dress, fierce countenances, and beards of the Spaniards; they were astonished to see the horses eat and run; they were frightened by the flashing of the swords; and they fell to the ground at the roar of the cannon, for it seemed to them the sky was falling upon them with its thunder and lightening.

The Florentine Codex (See León-Portilla, 1962:30) records that messengers from the outlying regions went to Tenochtitlan and related fearsome descriptions of the Spaniards. They told Moctezuma:

Their trappings and arms are all made of iron
....Their deer carry them on their backs wherever they wish to go. These deer, or Lord, are as tall as the roof of a house.

The Spaniards used to the maximum the effects of their intimidating military presentation and their strange swords and horses. Soon after reaching Mexico, the Spaniards gained a fearful reputation by defeating many Indians with a few men. As had the Aztecs before them, they cultivated their image of invincibility. They were well aware of the fact that one lost battle might destroy the Indian's fear of them and bring on an onslaught (Díaz, 1963:131). They attempted to hide their dead, especially the horses, so the Indians would continue to regard them as supernatural and incapable of being killed.

An additional factor which entered into the fear and awe with which the Indians regarded the Spaniards was their disregard for the Indian gods. When the Spaniards smashed with impunity the idols the Indians had worshipped the feared for generations, the Indians were even more firmly convinced of the Spaniard's supernatural status. The way in which the Spaniards played these factors to their advantage was of considerable importance to the eventual conquest.

The Indians, in addition, were technologically no match for the

Spaniards. The main Indian weapons were the bow and arrow, the sling, and the dart and spear. Some Indian groups wore quilted cotton armour, but others were more easily killed since they fought almost naked. Tactically, the Indians relied primarily on intimidation and sheer numbers. The Spaniards did not have to be especially good shots to hit an Indian in a battle since there were so many of them and with the cannons they could hit a great many Indians with one shot since the Indians fought concentrated in a mass. The Indians, however, were quick to learn from the Spaniards and adapt, at least in some ways, to the new technology of warfare. When, for example, the Spaniards were fighting in central Mexico, they encountered lances made from their own captured swords. But such adaptations were not sufficient to allow the Indians to overcome the Spaniards (See Gómara, 1964:42; Díaz, 1963:73,341).

The Indians remained extremely superstitious and ceremonial combatants. The Tlaxcalans, for example, at the beginning of every battle, shot the ancient arrows of their forefathers at the enemy. If one of the arrows wounded or killed, it was considered a sign of victory, if it missed, a sign of defeat (Gómara, 1964:119). Such a practice was an advantage if it predicted victory but a great disadvantage when it predicted defeat. The Indians, in addition, spent time while in battle shouting insults at one another. Gómara (1964:252) commented that in the thick of the battle for Tenochtitlan, when the Tlaxcalans were fighting alongside the Spaniards, the Tlaxcalans and the Aztecs both took time out from the fighting to make long speeches. Gómara notes:

...those who understood them died of laughter.

This sort of ceremonial display played a major role in Indian warfare. For the Spaniards, however, warfare was regarded in a much more practical way. Warfare, for the Spaniards, was not a matter of signs or omens or long speeches, but a test of strength and will and cunning. The Indians were, therefore, at a definite disadvantage.

The Entrance into Tenochtitlan

Moctezuma had known almost immediately and in great detail of the Spanish presence in Mexico. Messengers had come to him with vivid details of the Spaniards and their might. Artists made paintings of the Spaniards, their ships, sails and horses and brought them to Moctezuma (Díaz, 1963:91). The Codex Florentino (See León-Portilla, 1962:30) records that Moctezuma was terrified by these reports. The messengers told him of the cannon possessed by the Spaniards:

A thing like a ball of stone comes out of its entrails: it comes out shooting sparks and raining fire....If the cannon is aimed against a mountain, the mountain splits and cracks open...This is a most unnatural sight...

Moctezuma had also known very soon after the Spaniards arrived that they wanted gold. He had instructed his governors to barter with the Spaniards - gold for the glass beads offered, and to supply the Spaniards with food. Moctezuma sent many rich and beautiful presents to Cortés and commanded that his subjects provide for the Spaniards, but he also sent messages that he considered a meeting with them impossible. Moctezuma, according to Díaz (1963:94) put up many objections to the proposed meeting between himself and Cortés (Díaz, 1963:35,94).

From the first communications telling Moctezuma of the arrival

of the Spaniards to his death, Moctezuma's attitude towards the Spaniards was ambivalent. He fluctuated between receiving them into Tenochtitlan as gods, and sending his armies to kill them as invaders (Díaz, 1963:195). It is, of course, impossible to know the state of Moctezuma's mind with regard to the Spaniards, but there were a number of factors which make his wavering attitude explicable. First, Aztec religious mythology did tell of the return of the God, Quetzalcoatl, from the east to rule his land. Moctezuma is said to have believed, at least in the beginning, that Cortés was this returning god. Séjourné (1976:45), however, maintains that he did not long hold this view. Moctezuma had found out that during the battles with other Indian groups, Spaniards had been killed and even their horses were known to be mortal. It is probable that Moctezuma's wavering attitude was partly the result of the rising and falling probabilities of success of the Spaniards. Séjourné (1976:45), for example, proposes that Moctezuma was simply following the path of least resistance. Pressured on the one hand by fear of confronting the Spaniards and on the other by the rage of his people, Moctezuma may have just responded to whatever sentiment was more forceful at the time. And in addition Cortés' strategies contributed to the general confusion. Díaz (1963:114), for example, writes that Moctezuma had prepared an army to move against the Spaniards after he heard of the taking of the tax collectors in Cempoala. When, however, these tax collectors were released by Cortés and reached Moctezuma with the news that Cortés was his friend, he halted the plans. Moctezuma was evidently never anxious to confront the Spaniards. He had seen not only the ease with which they subverted the coastal provinces, but the Spaniard's defeat

of the Tlaxcalans who the Aztecs had been trying to defeat for many years. All this filled him with awe and fear. The Florentine Codex (See León-Portilla, 1962:31), for example, records that even when Moctezuma was told by his messengers about the Spanish arrival on the coast:

...he was filled with terror. It was as if his heart had fainted, as if it had shriveled. It was as if he were conquered by despair.

When the Spaniards were fighting with the Tlaxcalans and it seemed likely that the Spaniards would end the victors, Moctezuma sent a message to Cortés asking that Cortés ascertain from his emperor the yearly tribute required of the Aztecs. Moctezuma assumed that the Spaniards wanted to replace the Aztecs as the dominant surplus appropriators in Mexico and he was, faced with the evidence of the Spaniards' military prowess, willing to submit to the payment of tribute and therefore recognise the dominant position of the Spaniards in order to avoid the destruction of his city. Moctezuma promised to deliver tribute without fail provided that Cortés and his men stay out of Tenochtitlan (Díaz, 1963:166). Moctezuma attempted to avoid a battle with the Spaniards in the way which was customary in the region, i.e., by accepting subordination and making a tribute agreement. Time and time again, as the Spaniards got closer to Tenochtitlan, Moctezuma attempted to make peace by giving gifts and making tribute proposals in order to avoid having the Spaniards enter the city. As the Spaniards advanced on Tenochtitlan, Moctezuma sent a message telling them entrance into the city was forbidden. He promised to send gold and silver and precious stones to the port if the Spaniards would return to where they came from (Díaz, 1963:211).

But, the gifts of gold and precious jewels, intended by Moctezuma to pacify the Spaniards, only whetted their appetites and hardened their resolve to conquer Tenochtitlan. Cortés, at one point had sent Moctezuma's messengers back to Tenochtitlan with a helmet and requested that Moctezuma fill it with gold. Moctezuma complied and returned the helmet with gold estimated by Bernal Díaz at the value of three thousand pesos. Díaz remarked in his history of the conquest that the gold was worth much more than its actual value for it proved to the Spaniards that there was a great deal of gold in Tenochtitlan (Díaz, 1963:93).

The Spaniards were not interested merely in replacing the Aztecs as the surplus takers in a tribute based system. They were interested in conquest and gold. Cortés, for example, addressed his men and attempted to rally their resolve for the final approach into Tenochtitlan. He said to them:

...not only shall we win for our Emperor and king a country naturally rich, but a vast domain and infinite vassals, and for ourselves great wealth in gold, silver, precious stones, pearls, and other goods (Gómara, 1964:113).

Moctezuma's offerings to the Spaniards made the situation worse rather than better. Not only were the Spaniards more convinced than ever that they must conquer Tenochtitlan, but when other Indian groups saw that Moctezuma was sending presents to the Spaniards and declaring the Aztecs servants of the Spaniards, they became even more convinced of the power of the Spaniards and even more willing to ally themselves with the Spaniards against the Aztecs (Díaz, 1963:116).

When it became evident that Cortés and his men intended to enter Tenochtitlan, Moctezuma relented and the Spanish conquistadors

finally were received in Tenochtitlan in 1521. They were clearly amazed at what they found. The Aztec empire was barely a hundred years old but the Spaniards marvelled at its size and beauty. Díaz (1963:214-216) recorded the reaction of the Spaniards when they entered the city:

...we were astounded. The great towns and cues and buildings rising from the water, all made of stone, seemed like an enchanted vision....some of our soldiers asked whether it was not all a dream....It was all so wonderful that I do not know how to describe this first glimpse of things never heard of, seen or dreamed of before.

With such wonderful sights to gaze on we did not know what to say, or if this was real that we saw before our eyes. On the land side there were great cities, and on the lake many more...

Cortés estimated that the city of Tenochtitlan alone was as large as Seville or Cordova, and he wrote to Charles V that the main market was composed of not less than 60,000 people who traded there every day (Cortés, 1972:102).

The Spaniards were not only impressed with the size and splendour of the city, but with its order and organisation. Cortés (1971:108, 120) wrote:

...these people live almost like those in Spain, and in as much harmony and order as there...it is truly remarkable to see what they have achieved in all things.

I will say no more than that the manners of the people, as shown in their intercourse with one another are marked by as great an attention to the proprieties of life as in Spain, and good order is equally well observed; and considering that they are a barbarous people, without knowledge of God, having no intercourse with civilised nations, these traits of character are worthy of admiration.

The amazement and respect with which the Spanish beheld the Aztec

civilisation, however, did not long prevent them from destroying the city and the empire. First the Spaniards used the pretext that some soldiers had been killed in another part of Mexico to seize Moctezuma and make him a prisoner. Moctezuma was forced to dispatch messengers to all his towns ordering them to send gold to the capital. He then was forced to take the Spaniards to his storehouse. The Spaniards seized everything. The Florentine Codex (See León-Portilla, 1962:66-70) describes the Spaniards' reaction to Moctezuma's riches. The Spaniards seized the treasures:

...as if they were their own, as if plunder were merely a stroke of good luck.

They gathered all the gold into a great mound and set fire to everything else, regardless of its value. Then they melted down the gold into ingots. As for the precious green stones, they took only the best....The Spaniards searched through the whole treasure house, questioning and quarreling, and seized every object they thought was beautiful.

They...coveted everything; they were slaves to their own greed.

The seizure of Moctezuma caused unrest in Tenochtitlan, but Moctezuma himself reassured his people and maintained that he was housed with the Spaniards of his own free will.

Meanwhile, Diego Velázquez, still intent on securing his rights in Mexico, sent an expedition to Mexico which landed on the eastern coast with orders to arrest Cortés. Cortés, realising that such an expedition could threaten his hard won hold over the territory, departed from Tenochtitlan to defeat the new conquerors. He left one of his men, Pedro de Alvarado, in charge of the forces left behind in Moctezuma's palace. While Cortés was gone a massacre resulted in Tenochtitlan while the Indians were celebrating a feast, in which

hundreds of Indians were murdered. The Florentine Codex (León-Portilla, 1962:105) gives the Indian description of the events:

They attacked all the celebrants...They attacked some of them from behind, and these fell instantly to the ground with their entrails hanging out. Others they beheaded: they cut off their heads, or split their heads to pieces.

They struck others...and their arms were torn from their bodies....They slashed others in the abdomen, and their entrails all spilled to the ground. Some attempted to run away, but their intestines dragged as they ran.

The blood of the warriors flowed like water and gathered into pools. The pools widened, and the stench of blood and entrails filled the air. The Spaniards ran into the communal houses to kill those who were hiding. They ran everywhere and searched everywhere; they invaded every room, hunting and killing.

It is not clear exactly what caused this massacre. Alvarado maintained that the Aztecs were planning a revolt and that he had only moved quickly to put a stop to it (Díaz, 1963:285). Others maintained that Alvarado and his men simply saw a chance to gain the displayed wealth of the assembled Indians, for after slaughtering them, the Spaniards took all the gold and jewels they were wearing (Gomara, 1964:208). Whatever the reasons, this event was the beginning of a series of armed struggles, rebellions and counter rebellions in Tenochtitlan and the surrounding area which ended with the virtual destruction of the city. Moctezuma again pleaded with his people for peace. He sent a messenger who spoke to the people:

...these are his (Moctezuma's) words to you:
We must not fight them. We are not their equals in battle.

He tells you this because it is the aged who will suffer most. The humblest classes will also suffer, and so will the innocent children...
(Florentine Codex, León-Portilla, 1962:78).

The message destroyed whatever credibility as a leader Moctezuma had

left. The people were enraged at what they saw as an unprovoked slaughter by those who Moctezuma was sheltering. They screamed insults at Moctezuma:

Who is Moctecuhzoma to give us orders? We are no longer his slaves (Florentine Codex, León-Portilla, 1962:78). ¹⁴

And so, even the subjects in Moctezuma's own city now questioned and challenged his authority to rule. The Spaniards, as the rebellion grew, forced Moctezuma into making another speech pleading with his people to cease hostilities. According to Díaz (1963:294) the people refused to listen and in the consequent shower of stones, Moctezuma was fatally wounded. Others maintain that this story was untrue and that Moctezuma was killed by the Spaniards when he was no longer of use to them.

It is impossible to say just how many died in the final seige of Tenochtitlan. Ixtlilxochitl, the Texcocan Indian historian, estimated that 240,000 Mexica warriors died (See León-Portilla, 1962:124), a figure that was repeated in 1551 by natives of Coyoacan, and this figure included almost the entire Indian nobility.¹⁵ Ixtlilxochitl also maintained that more than 30,200 Texcocan Indians died out of the some 200,000 fighting with the Spaniards (Cortés, 1972:491f). These figures do not include the many non-warriors who died in the plague, probably smallpox, which swept through the city during the seige (León-Portilla, 1962:92). The Florentine Codex records the misery of the time:

The sick were so utterly helpless that they could only lie on their beds like corpses... If they did move their bodies, they screamed with pain.

A great many died from this plague, and many others died of hunger...everyone else was too

sick to care for them, so they starved to death in their beds (León-Portilla, 1962:93).

Many Spaniards as well died on the Noche Tristi, when forced to fight their way out of the city, they were impeded in battle by the gold and riches they attempted to carry out. Both Gómara and Díaz wrote:

...those who were most encumbered with clothing gold, and jewels were the first to die...(Gómara, 1964:222).

...they were so weighed down by the stuff that they could neither run nor swim (Díaz, 1963:306).

At the final seige of Tenochtitlan, Gómara (1964:277) estimates that 200,000 Indians assisted the Spaniards and with their help, the city was raised. Cortés (1972:258) told in a letter to Charles V of the aftermath of the final seventy-five day seige:

The people of the city had to walk upon their dead while others swam or drowned in the waters of that wide lake where they had their canoes; indeed, so great was their suffering that it was beyond our understanding how they could endure it. Countless numbers of men, women and children came out toward us, and in their eagerness to escape many were pushed into the water where they drowned amid that multitude of corpses...

Cortés and his men sacked what was left of the city, taking the gold, silver and featherwork. They left for their Indian allies the clothing and other spoils. After burying the dead, Cortés branded with the King's iron many men and women as slaves (Gómara, 1964:293). The Spaniards set up guards on the roads leading out of Tenochtitlan to search the fleeing inhabitants for gold (Florentine Codex, León-Portilla, 1962:118). Ixtlilxochitl (See León-Portilla, 1962:122) maintained that the Spaniards committed some of their most

brutal acts in the days immediately following the surrender of Tenochtitlan. The Tlaxcalan Indians, as well, evidently avenging themselves on the Aztecs for old offences, robbed the Aztecs of everything they could find. An Aztec poet recorded the demoralised state of mind of the Indians after the fall of Tenochtitlan.

And all this happened to us.
We saw it,
we marvelled at it.
With this sad and mournful destiny
we saw ourselves afflicted.
On the roads lie broken arrows,
our hair is in disarray.
Without roofs are the houses,
and red are their walls with blood.
Worms multiply in the streets and squares,
and on the walls brains are spattered.
Red are the waters, as if they were dyed,
and when we drink,
it seems water of saltpeter.
We have struggled against the walls of adobe,
but our heritage was a net made of holes.
Our shields were our protection
but not even with shields could we defend ourselves.
We have eaten branches of binnet,
we have chewed upon salty witch grass,
bits of adobe and ground earth,
small lizards, rats, worms...
We ate meat
when it was scarcely on the fire.
When the meat was cooked,
we snatched it out of
the very coals and ate it.
They put a price on us.
The price for a young person, for a priest,
a child or a young girl.
And it was enough: for a common man
the price was only two handfuls of corn
or ten portions of caked mosquitoes,
our price was only
twenty portions of salty witch grass.
Gold, jade, rich mantles,
plumage of quetzal,
all that has value,
was then counted as nothing
(Leon-Portilla, 1969:150-151).

The number of Indians who died during the Sarnish campaign is

incalculable. The group of men who landed on the eastern shore, fought their way into the heart of the Aztec empire and destroyed it, were motivated primarily by the desire for a single commodity - gold. The state in whose name they fought was also primarily concerned with the plunder of these territories and a yield in the form of precious metals. The search for gold, the pressure for results in order to legally justify these exploits to the Spanish state, and the resentment of Aztec domination by the surrounding Indian population, all contributed to the violence with which the conquest was conducted.

The Ideology of Warfare

The changes in the Aztec ideological system which occurred with the transformation of the society to a warring imperial state system, have been discussed in previous chapters. As part of this transformation, Aztec theologians elevated a war god from among the pantheon to be a symbol of empire. The Spanish Conquistadors had no need to begin at such an elementary level. Their warfare was already well backed up and legitimated by a complex and well established religious and legal ideological system. Cortés, for example, had been well aware that he would have to present his claim to Mexico in terms of that religious and legal complex for it to be well received at the Spanish court. He understood the importance the Crown attached to legal formalism and he was conscientious to set out in writing the legal and moral justification of his actions in the New World (Valero Silva, 1965:41). Wars and conquests, such as the Reconquista which drove the Moors out of Spain, were conducted as holy wars - as "divinely appointed" missions - at once military and religious

endeavours (Elliott, 1963:32). The Castilian nobility and the Castilian crown were therefore long accustomed to acquiring riches through conquest conducted in the name of religious zeal. It was Cortes' astute presentation of his claims in Mexico in terms of this set of moral, religious and legal ideas, as much as his actions there that eventually won for him the name of Conqueror of Mexico.

As soon as the Spaniards found a suitable site in Mexico, for example, Cortés established a settlement. This act, firmly based on precedent established during the Reconquista, was intended to signify legal possession of the territory (Helms, 1975:140). Cortés then had himself appointed governor of this new municipality and appealed directly to the Spanish Crown for authority to conquer and colonise the rest of Mexico, over-riding Velázquez' claims. In his appeal, he represented Velázquez as a self serving and greedy man interested only in securing personal wealth. He represented himself, however, as a pious servant to God and the Crown, interested only in the further glorification of the Spanish monarchy (Elliott, 1972: The five letters dispatched by Cortés to Charles V in the months of his occupation and conquest of Mexico were intended almost exclusively to win the Crown's favour and to discredit Velázquez by arguing the legality and moral rightness of Cortés' actions.

By the time of Cortés' conquest of Mexico, the Spanish monarchy was already sensitised to the need to justify its actions in the New World. As early as 1511, a Dominican friar, Antonio de Montesinos, had created a furor by speaking before a congregation of the most prominent citizens of Hispaniola and denouncing Spanish policy in the New World. "On what authority," Montesinos asked "have you

waged a destable war against these people?" Montesinos continued in words which were to haunt the Spanish monarchy during this period:

Are these not men? Have they not rational souls?
Are you not bound to love them as you love your-
selves? (Quoted in Hanke, 1949:17).

The members of the Mendicant orders - the Dominicans, the Franciscans and the Augustinians - were the product of a reform movement in Spain. They were intent on applying the concepts of Erasmian humanism to their missionary task in the New World (Gibson, 1964:99). They were, during the initial years of colonisation, outspoken critics of Spanish policy. The Crown's response, however, was forceful. In the case of Montesinos, Ferdinand ordered in 1512 that this line of preaching would cease or the Dominicans would be put aboard a ship and returned to Spain (Hanke, 1949:18). But the questioning of royal policy did not cease.

The then Pope, Paul III, issued a papal bull in 1537 stating that the Indians were rational beings and therefore should under no circumstances be enslaved. Those who did so enslave the Indians were to be denied the sacraments of the church. The Spanish Monarchs, however, embarrassed by this papal announcement and resentful of its apparent encroachment on the privileges previously granted by the papacy with regard to the New World, prevailed upon the Pope to revoke if not the bulls themselves, at least their penalties (Haring, 1947:55).

In a series of lectures given in 1539, Dominican jurist Francisco de Vitoria rejected the claims that either the Pope or the Emperor had a right to exercise jurisdiction over foreign princes. He maintained that the Americas were formed into independent states with

recognised princes and could no more be subject to the Spanish than were other European states. The Spanish Monarch reprimanded the Dominicans and hinted that such public discussions would be frowned upon by the Crown (Parry, 1966:138-142).

Nowhere in Catholic Europe did the Pope have less authority than in Spain. Ferdinand had diligently campaigned for and eventually won the authority to almost total control of the church in New Spain. No cleric could go to the Indies without royal permission. No direct contact between Rome and America was allowed, and no document could be circulated without royal approval. As Parry (1966:156-157) comments:

...the promulgation of papal bulls and briefs in the Indies was frequently suspended, and sometimes stopped altogether, if the contents appeared likely to infringe the authority of the Crown.

But the Crown could not afford to totally disregard the objections of the Catholic church which was still, despite royal competition, one of the strongest forces in Europe and the cornerstone of the Spanish ideological complex. The Spanish Monarchs desperately attempted to make their policies in the New World conform to the letter if not the spirit of Christian Catholic doctrine. Ferdinand, for example, had written a document called the Requerimiento which was given to all conquistadors. Before any warfare in the New World, the Spaniards were to read to the Indians this document which was to inform them of the Pope's authority, the place of the Catholic Kings as his substitute, and the necessity of their accepting the Christian faith. This document was to be read before any hostilities against Indians in the New World could ensue. After it was read,

however, warring could then legally commence (Hanke, 1949:33). The whole purpose of the Requerimiento was to lay the blame for the ensuing battle on the Indians and not the Spaniards and therefore legitimate Spanish actions (Gibson, 1968:58).

In the Requerimiento, the Spanish Crown set out its justifications for the conquest of the New World and the Indians who occupied it. The Spanish, as had the Aztecs before them, asserted their rights over another people in terms of divine will. God had chosen the Pope "that he should be lord and superior to all the men in the world." The Pope donated to the Spanish Monarchs the New World territories and the conquistadors were the representatives of the Spanish Monarchs.. The Spanish, as had the Aztecs, considered the Indians of Mexico to be already subjects and vassals to their state. If the Indians "received and served" these self-appointed masters, they would be received "in all love and charity." If, however, the Indians did not obey and refused to receive these new lords, they would be considered in rebellion, be warred against and subjected to "the yoke and obedience of the Church and of their highnesses." Once again, therefore, there was in Mexico a group of dominators claiming for themselves the right to rule in the name of a state and a divinity that supported that state.

For the Spaniards, once the Requerimiento had been read, notarised and witnessed, the ensuing hostilities were entirely legal and moral. The Indians had been warned and had only themselves to blame for the consequences of refusing to obey. The Requerimiento was, however, read to Indians who shared neither the Spaniards language nor culture. It was read on board ships before the Spanish landed,

to empty villages, to fleeing Indians, and as often as not without an interpreter. A Spanish notary, Gonzalo Fernandez de Oveido, reported that he saw it read to Indians already tied by the neck with ropes as prisoners (Hanke, 1949:34). Bartolomé de Las Casas, a Dominican friar who was to become one of the most prolific of the Indians' defenders, commented that he did not know whether to laugh or weep over this 'ridiculous document' (Hanke, 1959:41). The Requerimiento is quoted here in full for it is only by reading the entire document and imagining a Spanish notary reading it to uncomprehending Indians that one can grasp the gap between Spanish legal formalism and the realities of New Spain.

On the part of the king, Don Ferdinand, and of Dona Juana, his daughter, queen of Castile and Leon, subduers of the barbarous nations, we their servants notify and make known to you, as best we can, that the Lord our God, living and eternal, created the heaven and earth, and one man and one woman, of whom you and we, and all the men of the world, were and are descendants, as well as all those who come after us. But on account of the multitude which has sprung from this man and woman in five thousand years since the world was created, it was necessary that some men should go one way and some another, and that they should be divided into many kingdoms and provinces, for in one alone they could not be sustained.

Of all these nations God our Lord gave charge to one man called St. Peter, that he should be lord and superior to all the men in the world, that all should obey him, and that he should be the head of the whole human race, wherever men should live, and under whatever law, sect, or belief they should be; and he gave him the world for his kingdom and jurisdiction.

And he commanded him to place his seat in Rome, as the spot most fitting to rule the world from; but also he permitted him to have his seat in any other part of the world, and to judge and govern all Christians, Moors, Jews, Gentiles, and all other sects. This man was called Pope, as if to say Admirable Great

Father and Governor of men. The men who lived in that time obeyed that St. Peter and took him for lord, king, and superior of the universe. So also they have regarded the others who after him have been elected to the pontificate, and so has it been continued even till now, and will continue till the end of the world.

One of these pontiffs, who succeeded that St. Peter as lord of the world, in the dignity and seat which I have before mentioned, made donation of these islands and mainland to the aforesaid king and queen and to their successors, our lords, with all that there are in these territories, as is contained in certain writings which passed upon the subject as aforesaid, which you can see if you wish.

So their highnesses are kings and lords of these islands and mainland by virtue of this donation; and some islands, and indeed almost received and served their highnesses, as lords and kings, in the way that subjects ought to do, with good will, without any resistance, immediately, without delay, when they were informed of the aforesaid facts. And also they received and obeyed the priests whom their highnesses sent to preach to them and to teach them our holy faith; and all these, of their own free will, without any reward or condition have become Christians, and are so, and the highnesses have joyfully and graciously received them, and they have also commanded them to be treated as their subjects and vassals; and you too are held and obliged to do the same. Wherefore, as best we can, we ask and require that you consider what we have said to you, and that you take the time that shall be necessary to understand and deliberate upon it, and that you acknowledge the Church as the ruler and superior of the whole world, and the high priest called Pope, and in his name the king and queen Dona Juana our lords, in his place, as superiors and lords and kings of these islands and this mainland by virtue of the said donation, and that you consent and permit that these religious fathers declare and preach to you the aforesaid.

If you do so you will do well, and that which you are obliged to do to their highnesses, and we in their name shall receive you in all love and charity, and shall leave you your wives and your children and your lands free without servitude, that you may do with them and with yourselves freely what you like and think best, and they shall not compel you to turn Christians

unless you yourselves, when informed of the truth, should wish to be converted to our holy Catholic faith, as almost all the inhabitants of the rest of the islands have done. And besides this, their highnesses award you many privileges and exemptions and will grant you many benefits.

But if you do not do this or if you maliciously delay in doing it, I certify to you that with the help of God we shall forcefully enter into your country and shall make war against you in all ways and manners that we can, and shall subject you to the yoke and obedience of the Church and of their highnesses; we shall take you and your wives and your children and shall make slaves of them, and as such shall sell and dispose of them as their highnesses may command; and we shall take away your goods and shall do to you all the harm and damage that we can, as to vassals who do not obey and refuse to receive their lord and resist and contradict him; and we protest that the deaths and losses which shall accrue from this are your fault, and not that of their highnesses, ours, or of these soldiers who come with us. And that we have said this to you and made this Requerimiento we request the notary here present to give us his testimony in writing, and we ask the rest who are present that they should be witnesses of this Requerimiento (Gibson, 1968:58-60).

Objections to Crown policy, however, persisted and there were those like Las Casas who seriously questioned the sincerity behind the formal presentation in this 'ridiculous document', the Requerimiento. The most coherent articulation of the ideological justification for royal conquest in the New World occurred thirty years after the conquest of Mexico in 1550 in a debate between Las Casas and the Spanish scholar, Juan Gines de Sepúlveda. The debate was the culmination of some fifty years of questioning of the Spanish Indian policy and the arguments summarised two conflicting points of view. The arguments at Valladolid largely revolved around the Aristotelian concept of natural slavery. Las Casas had argued previously before Charles V in 1519, against this concept and complained of its

implications when applied to the Indians. He wrote:

...just as if rational men were pieces of wood that could be cut off trees and transported for building purposes or like flocks of sheep or any other kind of animals that could be moved around indiscriminately, and if some of them should die on the road little would be lost (Quoted in Hanke, 1959:17).

But the influence of the Aristotelian scholars and the appeal of their arguments was strong and Las Casas, by the time of the Valladolid disputation in 1550, was arguing not against the concept of natural slavery itself, but that the Indians of the New World did not fit the criteria of natural slaves that Aristotle had set up. Sepúlveda, arguing for the concept of natural slavery and its applicability to the New World Indians, had never been to the New World and his interest in it was largely academic. He had been asked to write his treatise by the members of the Council of the Indies, the main administrative body for ruling the Indies. In 1542, when Charles V had ordered an inspection of the Council, it was discovered that one of the oldest members had been accepting money from, among others, Cortés (Hanke, 1949:94).

The question the King officially put to the participants to the Valladolid dispute is significant: "How can conquests, discoveries, and settlements be made to accord with justice and reason?" (Hanke, 1959:41). The question was not whether or not conquests, discoveries and settlements would be pursued. The question, indeed the problem, was how to justify them. Sepúlveda maintained that the Spaniards "...were sent by the King for the purpose of dominating" the Indians and that this domination was just and natural. He argued:

...in accordance with the authority of the most

eminent thinkers...the domination of prudent, good, and humane men over those of contrary disposition is just and natural (Sepúlveda, 1968:115).

Sepúlveda argued that domination of the Indians was both lawful and necessary for four primary reasons. First, before the Spanish domination the Indians were "...totally uncivilized in their customs" and were "...by nature without learning or judgement and contaminated with many vicious habits." By natural law they ought to obey people "more provident, and more excellent, so that they may be governed by better customs and institutions..." Second, the Indians were in "grave sin against the natural law" for their human sacrifice, and their ignorance of such sins was no excuse. Third, the Spaniards were obliged to stop the human sacrifices and to prevent innocent men from being destroyed. Fourth, the Spaniards were morally obligated to save the Indians from hell, and spread the faith (Sepúlveda, 1975:61-64).

Sepúlveda's main arguments at Valladolid, based on Aristotle and Thomas Aquinas were that wars could be justly waged if their cause was just, if the authority carrying on the war was legitimate, and if that authority carried on the war in a right spirit and correct manner (Sepúlveda, 1975:61). Sepúlveda and other theologians of the time generally held the view that since the Pope held political as well as spiritual authority over the entire world, it thereby followed that those who refused Christianity should be justly warred against and enslaved (Hanke, 1949:28-29).

Sepúlveda maintained that he personally abhorred war for booty, waged for greed and conducted with cruelty. But the actions of individuals, he reasoned, did not negate the whole endeavour and the

personal motives of soldiers could not detract from the holy mission (Hanke, 1959:62-63). Besides, Sepúlveda argued, the Spaniards were full of gentleness and humanitarianism. He argued:

Their only and greatest solicitude and care in the battles, after the winning...is to save the greatest possible number...and free them from the cruelty of their allies (Sepúlveda, 1968: 118).

Sepúlveda maintained that the Indians had been told through the reading of the Requerimiento that hostilities had been declared and were even given the chance to accept the Christian religion. He argued that they could not be given too long. If the Indians were allowed time to consider and compare the alternate systems, their laws and government, "the time allowed would extend into infinity." Besides, wrote Sepúlveda "...these matters cannot be known until after our rule has been accepted..." (Sepúlveda, 1968:114). This last sentiment was a commonly held position. Gómara (1964:33), for example, echoes the point in his history of the conquest.

Truth to tell, it is war and warriors that really persuade the Indians to give up their idols, their bestial rites, and their abominable bloody sacrifices...and it is thus that of their own free will and consent they more quickly receive, listen to, and believe our preachers, and accept the Gospel and baptism...

Legalised warfare, however, according to this series of justifications, could only be waged by the Spanish. The Indians, Sepúlveda maintained, could because of their sins no more wage a just war against the Spanish than could Jews against Christians (Hanke, 1959: 69). Sepúlveda wrote:

How can we doubt that these people, so uncivilised, so barbaric, so contaminated with so many sins and obscenities...have been justly conquered by such an excellent, pious, and most just

king as was Ferdinand the Catholic and is now Emperor Charles, and by such a humane nation which is excellent in every kind of virtue?

These inferior people require, by their own nature and in their own interests, to be placed under the authority of civilized and virtuous princes or nations, so that they may learn, from the might, wisdom, and law of their conquerors, to practice better morals, worthier customs and a more civilized way of life.

Compare then those blessings enjoyed by Spaniards of prudence, genius, magnamity, temperance, humanity, and religion with those of the homunculi in whom you will scarcely find even vestiges of humanity who not only possess no science but who also lack letters and preserve no monument of their history except certain vague and obscure reminiscences of somethings...Neither do they have written laws, but barbaric institutions and customs. They do not even have private property (Quoted in Hanke, 1959:47).

Sepúlveda argued that were it not for the "abominable perversions" of which the Indians were guilty, it would be wrong to enslave them and despoil their property (Hanke, 1959:69). He even went to the trouble to work out a mathematical rationale for Spanish conquest. Sepúlveda calculated that the Aztecs had sacrificed 20,000 people per year, therefore, 600,000 lives had been saved in the thirty years since the conquest. Since, he concluded, the Spanish had not killed that many, there had been a net gain (See Keen, 1971:82).

Las Casas defended the Indians against the arguments of Sepúlveda. The disputation in Valladolid was, for Las Casas, the culmination of some forty years of campaigning on the Indians' behalf and arguing the contradictions of Spanish Indian policy. Las Casas wrote:

The Indians are our brothers, and Christ has given his life for them. Why, then, do we persecute them with such inhuman savagery when they do not deserve such treatment (Las Casas, 1975:362).

Las Casas argued before the Council that the Indians were indeed not barbarians and did not fit into the definition of natural slaves outlined by Aristotle. To Sepúlveda's second argument, that it was just punishment for wrongdoers for their idolatries and sacrifices against other Indians, Las Casas replied that the actions concerned only the people involved, and the Spaniards had no right to apply punishments of any sort (Losada, 1975:16-22). Las Casas (1975:42-43) wrote:

...long before they had heard the word Spaniard, they had properly organized states, wisely ordered by excellent laws, religion, and customs. They cultivated friendship and, bound together in common fellowship, lived in populous cities in which they wisely administered the affairs of both peace and war justly and equitably, truly governed by laws which at very many points surpass ours, and could have won the admiration of the sages of Athens...

The Spaniards, Las Casas maintained, "... (had) surpassed all other barbarians..." (Las Casas, 1975:28).

Las Casas argued that the Spanish themselves had at one time practised human sacrifice and that such ancient customs were difficult to eradicate. It was unreasonable, he maintained, to expect the Indians to immediately change and desert their customs. Sacrifices had long been a recognised form of worship. For the Indian, it was natural because they were giving their most precious possession, their lives, for a god they believed to be the true god (Hanke, 1959:93-94). Las Casas argued that it would be better to tolerate some such deaths than to "move against an immense multitude of persons, including the innocent, and destroy whole kingdoms, and implant a hatred for the Christian religion in their souls..." (Las Casas, 1975:190). "What" Las Casas (1975:173) asked "does the

herald of the gospel have to do with armed thieves?"

The result of the Great Debate at Valladolid was inconclusive. The council which heard the arguments never rendered a collective opinion of the issues and no tangible royal policy resulted (Hanke, 1974:113-115). The inconclusiveness of the Great Debate, far from being an indication of royal ineptness, is evidence of the Crown's ability to orchestrate the justification of its own interests. The whole history of royal action from the departure of the expedition to the Great Debate illustrates the Crown's growing sophistication in legitimating its own economic interests in the realm of ideology. Ferdinand and Isabella had developed to a fine art the manipulation of ideological consensus and passed on that legacy to Charles V. Indeed, it is a tribute to the ideological mastery of the Catholic Kings that Isabella is remembered as a champion of Indian rights even though she sanctioned and directly profited from the labour of the Indians in the New World. Under Charles V, the Spanish Crown by allowing Las Casas to publish his opinions and debate his side of the arguments regarding Indian treatment, effectively made itself appear as an impartial adjudicator of affairs, sincerely concerned with the welfare of the Indians. But Spanish policy with regard to the conquest and subsequent exploitation of the Indians in Mexico was guided in large part by economic concerns that could not be changed and made conquest and exploitation necessary.

Summary

The warfare conducted by the Spanish in the conquest of Mexico was designed essentially to accomplish two aims. The first was to

seize booty, especially booty in the form of precious metals. The second aim was to take possession of the new territory for the Conquistadors and for the Spanish Crown. The men who carried out the conquest were adventurer knights who sought their own personal enrichment through war in the medieval tradition. The warring of these Spanish Conquistadors against the Mexican Indians had short-term aims and was not integrated into a long-term policy of empire as Aztec warfare had been. The violence of Spanish warfare, therefore was subject to none of the constraints which influenced the policy of the warfare of the Aztecs. Whereas the Aztec state attempted to control and manage the violence of warfare with the intent of effectively maintaining tribute relations with conquered groups afterward, the Spaniards were little concerned with such long-term affairs.

The relative ease with which a few hundred Spaniards conquered the Aztec empire was due to both the superior technology of Spanish arms, and to the technology of Spanish warfare. The ceremonial nature of Indian warfare put them at considerable disadvantage when they faced a group of combatants who did not fight ceremonially nor recognise tribute offers as an end to warfare. In addition, the Aztecs maintained the control of their empire largely through political means and through force and intimidation. Once the Spaniards had entered into the system of power relations in Mexico, this tenuous political hold of the Aztecs on surrounding groups broke down. The Spaniards exploited with considerable acumen the resentment the peoples of tributary provinces felt for the Aztecs and promoted rebellion all over the empire.

Within the ideological frameworks of each social formation, warfare was both a religious and a military endeavour - a divinely appointed mission. Whereas the Aztecs had had a mere hundred years, however, to engrain an ideological system which supported their empire, the Spaniards had had centuries to establish a complex ideological matrix of religious and legal ideals to underwrite their exploits. The Great Debate most clearly illustrates the ideological bases on which Spanish conquest was justified, and the importance to the state of maintaining this legitimation on ideological grounds in the face of the questioning of its policy by the reformed clergy.

The military conquest of Mexico, however, was only the beginning of a more systematic exploitation of the Indian population. And, the Aztecs seemed to understand what was in store better than the other Indian groups who had allied themselves with the Spaniards. Gómara (1964:288) notes that at one point in the final stages of the battle for Tenochtitlan, the Aztecs taunted the Tlaxcalans saying:

Hurry! Burn and destroy these houses, for you will build them again, whether you like it or not, at your own cost and by your own hands. If we win, you shall do it for us; if we lose, for the Spaniards.

It is better that we should all die fighting... than see ourselves in the power of those who would enslave us and torture us for gold (Díaz, 1963:394).

The Spanish Conquistadors had believed they could take from the Aztecs enough in spoils and treasure to live comfortably for the rest of their lives. They were, however, to be disappointed. Most of the treasure went to Cortés and to Charles V. The remaining spoils, divided up between the men, came to little, so little that some of the Conquistadors, disgusted, refused even to accept their shares (Díaz,

1963:411). Díaz (1963:410) writes in the concluding pages of his account of the conquest:

We...were all somewhat sad when we saw how little gold there was and how poor and mean our shares would be.

The Indians and their labour, then, became the real wealth of Mexico, and this labour was to be exploited to produce the commodities required by European markets. Mexico was to take its place after the Conquest as part of a world economy, a world economy just beginning to be pervaded by capitalist relations of production. It was necessary for the Spaniards to destroy the basis of the former mode of production in order to replace it by a social organisation based on commodity production and trade (See Hindess and Hirst, 1975: 260). As has been noted, the ancient mode of production depended on maintaining the conditions of citizenship on the one hand and relations of subordination on the other. The Spanish defeat of the Aztec empire effectively destroyed its ability to maintain either of these conditions, and paved the way for enforcing an altered economic arrangement in Mexico. The first two decades of Spanish rule in Mexico was characterised by virtually unchecked exploitation of Indian labour.

CHAPTER IX

FORCED LABOUR IN CONQUEST MEXICO

Once the military conquest of Mexico had been achieved by Cortés and his men, the economic conquest of Mexico began. The Conquistadors had come to Mexico primarily in search of personal wealth - seeking to make their fortunes in the 'discovery business.' The economic conditions in western Europe which made precious metals so valuable a commodity, underlay the motivations of these men. And just as the value of precious metals on the world market had all but ensured that the Conquest would be a rapacious search for gold, it also helped to ensure that the years immediately after the Conquest would be characterised by a search for gold in even greater earnest.

The amount of readily available gold seized from the Aztecs was hardly the El Dorado dreamed of by the Conquistadors, but the possibility of securing gold through mining remained. The Spaniards were to find in subsequent years that Mexico had more silver than gold, but silver was also highly valued on the world metal market and its discovery and shipment back to Spain offered the possibilities of accumulating vast personal wealth. The Spaniards wasted no time. They established producing mines within two years of the Conquest and important silver mines were established in Michoacan, Tasco and Zimpango as early as 1534. The first half-century after the Conquest - the Age of the Conquistador - was to be one of vigorous mining

activity (Sauer, 1948:89; Palmer, 1976:76).

Once the Conquest had proved successful, however, the Spanish Monarchy was quick to assert its rights as the state on whose theoretical authority and behalf the Conquest had been undertaken. Even expeditions which were entirely organised and financed through private initiative were dependent on the Crown for legal authority. And the monarchs of Spain were determined to maintain control of exploration so that the wealth of the New World would not enrich just the small group of conquerors. Mercantilist theories of fifteenth and sixteenth century Europe clearly defined the relationship between a colonial possession and the mother country as one geared almost exclusively toward the enrichment of the latter. Colonies were to serve as sources of raw materials and tribute, and as markets for manufactured goods. The Spanish state was determined that the lands conquered in the New World would be brought into such a relationship (Elliott, 1978:59; Helms, 1975:156).

Spanish manufacturing, however, had long been crippled by the Crown's expenditures in European wars and the monopoly of sheep grazing. The manufactured output of Spain was minimal. Spain herself, in fact, was becoming a sort of colony to the rest of Europe - exporting raw materials and importing manufactures (Lynch, 1964:122). So the primary focus of Spanish interest in the New World came to be the securing of raw materials and tribute. And, as has been noted, the particular stage of development of European capitalism made precious metals the most important raw material to be extracted (Haring, 1947:261). The Spanish Crown, then, along with the Conquistadors invested their energies in securing the precious metals

of the New World. Predictably, the Crown and the Conquistadors would compete for the larger share of the profits.

From the very beginning of colonial expansion, the Spanish Crown had shown itself to be increasingly concerned with the material aspects of colonisation. The colonial policy of Ferdinand, for example, has been described by a contemporary historian as "simplicity itself: get money" (See Simpson, 1929:34). Royal interest increased as the potential wealth of the New World became more apparent. The increasing royal concern about the wealth of the New World can be seen clearly in the differences between the capitulacion, or agreement, made with Columbus in 1492 and the same document made with Pizarro less than forty years later.¹⁶ The agreement with Columbus began:

In the name of the Holy Trinity and Eternal Unity, Father, Son and Holy Ghost, three persons really distinct and one divine essence which lives and reigns forever without end, and of the blessed and glorious Virgin, Saint Mary, Our Lady, His Mother, whom we regard as our sovereign and advocate in all our actions, and to her honour and worship, and of the blessed Apostle Saint James, light and warrior of the Spains, patron and guide of the kings of Castile and Leon, and likewise to the honour and worship of all the other saints of the celestial court (Gibson, 1968:29).

The document continues in this vein for some one thousand more words before even mentioning the practical material arrangements of colonisation. Contrast this with the crisp tone of Isabella's permission to Pizarro which is almost totally concerned with business. Pizarro's capitulacion reads:

Of the gold mined during the next six years, counting from the date of this document, by those who shall go to colonize the said land, we shall be paid one tenth; the seventh year

one ninth, and so on, increasing each year until our share is the one fifth part. But of the gold and other things received as ransoms or booty or in any other way, from this date we shall be paid one fifth all of it (Gibson, 1968: 93-97).

The price of gold, and therefore its importance, was to steadily increase during the period from 1450 to 1750 thus increasing the profits to be made from its discovery. In the initial years of exploration it had been decreed that all precious metal mines were to be the property of the Crown. In 1501, however, Ferdinand and Isabella conceded that private exploration for precious metals would be allowed as long as all gold mines discovered were still reserved to the Crown. And even after private exploration was conceded, the Crown reduced the share of the mined gold which was due to the Crown from $\frac{2}{3}$ to $\frac{1}{5}$ in an effort to increase the exploration for precious metals. Charles V became so concerned with the revenues of precious metals from the New World that he initiated the practice of seizing shipments of gold and silver in Spain and issuing in exchange, interest bearing annuities. This practice had already reached considerable proportions by 1523 (Haring, 1947:277,278,297).

Even though Spain remained throughout this period primarily agricultural, the metals from the New World greatly stimulated the Spanish economy and produced a remarkable commercial expansion (Lynch, 1964:140-141). The discoveries were also a boon to the Spanish monarchy. Precious metals from America financed Hapsburg war and diplomacy (Sánchez-Albornoz, 1975:10). The treasures from New Spain encouraged Hapsburg imperialism and contributed to an aggressive foreign policy, which in turn created a greater demand for a steady supply of money. It was not only the quantity but the

dependability of this revenue which fueled Spanish ambitions (Hamilton, 1934:44-45). The Monarchy could secure revenue from the New World without having to go through the difficult process of extracting it from its own nobility and the Crown was constantly, as will be discussed, taking measures to ensure that the Conquistadors did not become another powerful aristocracy in Mexico. On the strength of the revenues from the New World, Charles V largely debt-financed his monarchy and so put Spain in the position of constantly searching for new ways of raising revenues. The illusion of great prosperity created by the influx of American treasure encouraged extravagance (Gibson, 1966:107). As Elliott (1978:76) notes, by the end of the reign of Charles V:

...almost every conceivable source of revenue
in Castile was pledged to one banker or another
as security for a debt.

Spain was eventually to act only as a funnel for these precious metals to the rest of Europe. Since most of Spain's manufactures came from northern Europe, from England, Italy, and Germany, to them went her precious metals in payment. The balance of trade between Spain and the rest of Europe was always favourable to Europe (Haring, 1947:267,268). But the 'bullionist theories' current in Spain advocated the accumulation of precious metals almost to the exclusion of all else, and the power of the Spanish monarchy came to rest precariously on American mining production. The precious metal flow from the New World became the most important single item in Spain's economy (Haring, 1947:274; Lynch, 1964:147).

Mining, therefore, became the leading sector of the colonial economy and as Stein and Stein (1970:31) have termed it: "a cutting

edge of west European capitalism." The Spanish Crown set about establishing a colonial mining-agricultural economy in Mexico tied to Spain. The essential elements of this economy were to be: 1) developed mining cores, 2) agricultural and ranching areas peripheral to the mining regions which provided food supplies and raw materials, and 3) a commercial system which could channel the metals to Spain and distribute manufactured products - not by and large from Spain herself, but from western Europe, funnelled through Spain. The major concern of the Spanish state came to be maximising production, and maximising its control over silver and gold production from the New World (Stein and Stein, 1970:23,45).

For the individual Spaniard, the mining economy in Mexico offered the possibility of returning to Spain wealthy without a lifetime of hard work. For the Spanish state it offered a means of financing itself and its European wars. For the Indians, however, the restructuring of the economy around mining meant the exploitation of his labour to devastating effect. As Brandenburg (1964:26) has written: "Gold fever became a disease more deadly than smallpox."

Economic Reorganisation

In order to understand the devastating effects on the Indian population of the Spanish economic restructuring of Mexico, it is necessary to grasp the profound changes in economic and social organisation it necessitated. For the Conquest of Mexico was not merely the victory of one military group over another, nor simply the replacement of one dominant class by another. It was instead the forcible imposition of a mercantile capitalist economic system

onto civilisations and peoples who understood nothing of its values, priorities and demands. The peoples of the Indian communities in Mexico were dragged forcibly into a capitalist European world system and assigned a role within the division of labour of that alien world system. Their military defeat ensured that they would have no say in determining the role they were to play, and the presence of precious metals in the region largely determined that the role would be to provide the labour which would make it possible for the Spaniards to acquire precious metals.

Since mining is a labour intensive activity, the main focus of Spanish endeavour in the years immediately following the Conquest was to be the more densely populated, successful sedentary agricultural regions of Mexico where labour was plentiful. In these early years other regions which were devoid of gold, silver or precious gems were virtually ignored. The Indians were needed as labourers in the mines and as carriers to and from the mining regions. Additionally, their agricultural production had to be geared towards the production of goods needed to support the mining regions (Helms, 1975:143, 147). Whatever the endeavour - mining or agriculture - however, labour had to be organised in such a way as to fit into the priorities of the new mining economy.

The traditional system of labour organisation in Aztec Mexico, however, was based on the ancient mode of production. The primary labour form within this system was the independent peasant producer who still held the means of production, the land. Independent peasant producers practised agriculture primarily to support themselves and their families and rendered up demanded surplus to the body of

surplus takers who were the possessors of the dominant state. The Aztec system, as has been discussed, supported only a limited amount of forced labour in the conventionally understood sense of that term, i.e., involuntary, unremunerated, supervised labour. The main support of the state was the agricultural surplus appropriated from peasant producers.

The Spaniards, however, were not intent on establishing a dominant state based on the appropriation of agricultural surplus. They were primarily interested in the production of a single commodity - precious metals. Additionally, whereas the Aztec state had depended on appropriating, by and large, products already being produced by conquered peoples, the Spaniards were interested in appropriating a commodity the Indians did not ordinarily produce. Indian communities were organised around agricultural production, not the production of precious metals. For the Spaniards to take advantage of the mining potential of the region they had to reorganise labour in the mining areas and to some extent in the areas peripheral to the mining areas. The reorganisation of this labour in Mexico constituted such a fundamental change and was, because of economic pressures in western Europe, accomplished in such a short span of time, that force and violence played a large part in this reorganisation. The Indians had to be reorganised along lines which would make it possible for the Spaniards to respond to the economic demands of the European system. And the consequent restructuring of the economy around mining and the profound change this represented in terms of labour, all but ensured that this labour would have to be forced.

It was not the first time that the Spanish had relied on forced

labour. Forced labour had always been the material basis of Spanish colonialism, even in Africa. The foundations of forced labour in the New World had been laid in Hispaniola (Santo Domingo and Haiti) and Cuba. Attempts to work out a satisfactory organisation of labour in Hispaniola prefigured the attempts in Mexico, and events and experiences there influenced subsequent decisions about labour organisation in Mexico.

Forced Labour in Hispaniola

Columbus wrote to Ferdinand and Isabella as early as 1494, outlining a plan for establishing a regular slave trade in Hispaniola. The Crown was loathe to put any obstacles in the way of securing Indian labour. Royal revenue even in these early years largely depended on the discovery of precious metals which in turn depended on a labour supply. Although there were periodic objections from the Crown to the enslavement of particular groups of Indians, there was no sincere intent to block slave trading in general (Simpson, 1929: 21-24). Nothing, for example, was done to stop slave trading in the Bahamas through which settlers in Hispaniola attempted to secure labourers (Parry, 1966:61). When slavers threatened to stop capturing and enslaving the troublesome Carib Indians because of the expense, Isabella promptly decreased the Crown's share of the profits from a third to a fifth.

The initial conception of the Spanish Crown of the role of Hispaniola had been to establish it as a fortified trading entrepot and royal monopoly for, primarily, gold. The Indians were to work for the Crown as part of their obligatory service. All the mines

were to belong to the Crown and be worked for the Crown's benefit. Private individuals were to contract for labourers on a voluntary basis and pay them wages. This idealised system, however, was in practice, unworkable. The Spanish Conquistadors who pacified the islands had come to regard the private use of the labour of captives as a right and they exploited the Indians and their labour rapaciously (Sauer, 1966:98). The Crown was forced into concessions about the ownership of mines and the use of Indian labour since the Spaniards, merely in order to live, had to be supported by Indian labour. Some form of organising a colony utilising Indian labour had to be established and in the initial years of colonisation there seemed no way of doing this without allowing the Spaniards an almost free hand in the use of native labour (Góngora, 1975:5-6,131-132). In the initial phases of Spanish presence in the Indies (and later in Mexico) then, the organisation of labour was left to the individual Conquistadors. Indians fed the Spaniards and provided personal services under a sort of 'squatter sovereignty.'

From the outset of the explorations of the New World, the Indians had been declared theoretically and juridically free subjects by the Crown - in other words, free to dispose of their labour as they wished. But even so, it was still entirely legal to enslave 'rebellious' natives taken in battle, cannibals such as the Caribs, those who committed criminal acts, and those who had already been enslaved under native social systems. These exceptions to the general principle of freedom for the Indians were sufficient, at least for a time, to provide the Spaniards with an adequate labour force (Helms, 1975:150; Ots y Capdequí, 1959:64).

But slavery in particular and forced labour in general were never practices that the Crown was publicly comfortable with - for two main reasons. First, the blatant enslavement of an entire race, especially for economic gain, won for the Spanish Monarchs no favour with the Papacy in Rome. As Simpson (1929:19) so aptly put it, the Crown found itself from the beginning of the Conquest of the New World "...between the devil of papal displeasure and the deep sea of economic necessity." Second, the Crown was determined to prevent the establishment of a feudal aristocracy in the New World which forced labour, controlled by the Conquistadors, encouraged. The difficulty with regard to organising labour in the Indies and later in Mexico was always to be finding a way of supplying adequate labour to ensure that Spanish economic demands were met while at the same time avoiding offending Rome, and preventing the establishment of a new colonial feudal aristocracy which would compete with the Crown for revenues.

Even as early as the Spanish presence in Hispaniola, the Crown was officially legislating that the Indians should be contracted as wage labourers and not as slaves. When Columbus, for example, petitioned the Spanish Crown in 1498 for the use of Indian labour, Isabella promptly sent to Hispaniola a royal governor with instructions regulating Indian affairs. His instructions read, in part:

...since it will be necessary, in order to mine gold and carry out the other works we have ordered done, to make use of the services of Indians, you are to compel them to work in our service, paying them the wages you think it just they should have (Instructions of Ferdinand and Isabella to Fray Nicolas de Ovando, 1501, quoted in Simpson, 1929:27).

The idea that the Indians should work for wages was to be a

continuing theme in Spanish colonial legislation - in Hispaniola and later in Mexico. But, the imposition of a system of wage labour in the New World was never to overcome two fundamental obstacles. First, Spain had allowed the Conquest to be made through the private initiative of the Conquistadors and these men were ill disposed to give up the private exploitation of the Indians and the territory to which they felt entitled. Second, Indian ideas of life were shaped in the context of a pre-capitalist mode of production in which commodity relations in general and notions of wage labour in particular were undeveloped. It was simply not possible to turn a population of farming peasants into wage labourers in a short span of time. The notion of working for wages was totally foreign to the Indians.

The Indians had to be made to work, however, and it became increasingly apparent to the Crown that the only way to get them to do so was to allow the Conquistadors to force them. The Conquistador/colonists played no small part in encouraging this view. In 1517, for example, the Crown appointed three Jeronymite friars to conduct an inquiry into the issue of Indian labour. To each of their witnesses (colonists) they put the following questions:

Would they (the Indians) be able to live políticamente as do the Spaniards? Would they know how to support themselves by their own efforts, each Indian mining gold or tilling the soil or maintaining himself by other daily labour? Do they know how to care for what they may acquire by this labour, spending only for necessities, as a Castilian labourer would? (Hanke, 1949:42-43).

The answer from the colonists is revealing. Not only did they explain clearly that the Indians had none of the motivations necessary to prompt them to work for wages, they even went so far as to

maintain that the Indians could not even govern themselves without the help of the Spaniards. The Indians, said the colonists, were so simple they often gave their possessions away to those that asked for them. They lacked the greediness and the desire for wealth to provide themselves with the basics to sustain life without the Spaniards. One colonist complained that even when the Spaniards beat the Indians or cut off their ears for some impropriety, their fellows did not regard them any less well (Hanke, 1949:43). The colonists all agreed - the Indians could not govern themselves and had to be enslaved. If they weren't, reported one resident of Hispaniola, they would "...revert to their former habits of idleness, nakedness, drunkenness, improvidence, gluttony, dancing, and would patronize witch doctors and eat spiders and snakes" (Quoted in Hanke, 1949:44).

From these replies it is evident why both the Crown and the colonists found it necessary to enslave the Indians. They possessed none of the motives necessary to allow them to fill the economic niche they were destined for within the European division of labour. Since they could not be convinced to toil long hours for wages, but instead were content to provide themselves with the basic necessities and use the rest of their time to dance and eat snakes, as the resident suggested, they would, in order to fit into their assigned niche within this new economic system, have to be forced to work. So the Spanish Crown found it necessary to rely on forced labour in Hispaniola whatever the drawbacks.

Slavery as a labour form was used widely in Hispaniola and also another form of labour organisation, the encomienda. Strictly speaking, the encomienda was a grant not of land but of the services of

Indians living in a particular area. The individual Spaniard, or encomendero, was granted a certain area in encomienda. From the Indians in this area, he was allowed to extract tribute and labour services. The encomienda was a compromise the Crown was forced to accept, at least temporarily. It was one answer to the labour problem if not an answer the Crown was pleased to accept. The encomienda, then, became the primary institution through which Spaniards were to organise labour for two and a half centuries (Simpson, 1929:24).

But the use of slavery and encomienda resulted in miserable mistreatment of the Indians. The islands of the Caribbean were all but depopulated within a few years. Las Casas who first came to Hispaniola in 1502, noted that mining was the major cause of native deaths. He estimated that from a fourth to a third of the work gangs, sent to dig for gold in six to eight month stints, died. And the fewer Indians there were, the more harshly they were exploited. Las Casas estimated that between 1494 and 1508, more than three million people perished on the island (See Sauer, 1966:145-150,155). In 1509, only seventeen years after the discovery of the island, the amount of gold obtained from Hispaniola was little more than five million dollars, bought for the price of several expensive expeditions and the lives of thousands of Spaniards and at least a million and a half Indians (Del Mar, 1969:147). By 1510, black slaves were being imported into Hispaniola from Africa to alleviate the labour shortage (Palmer, 1976:8). By 1512, bands of Spaniards were combing the 'useless islands' to capture natives to be transported to Hispaniola as slaves (Gongora, 1975:9). By 1520, the native population was virtually extinct (Helms, 1975:130).

The Spanish Crown was anxious to prevent a similar decimation of the Indian population in Mexico. But in its attempts to institute a system of wage labour in Mexico, the Crown was confronted with the same obstacles that had prevented its establishment in Hispaniola - the Conquistadors were just as stubborn about relinquishing their power to privately exploit the Indian's labour and the Indians were just as unprepared to adapt to a system of wage labour.

Forced Labour in Conquest Mexico

As had been the case in Hispaniola, in the initial years of Spanish presence in Mexico labour organisation was left largely to the individual Conquistadors. The Crown was to move consistently during the next thirty years under discussion to wrest control over labour organisation away from the Conquistadors and implement a system which would ensure greater profits for the Crown. But in these initial years, the struggle between the Crown and the conquerors was weighed toward the conquerors. The Conquistadors were physically in Mexico and the establishment of forced labour and encomienda were a fact. The Crown's preferences in terms of labour organisation would be implemented over the objections and against the interests of the Conquistadors and only after a sustained effort. During this initial thirty year period there were three primary forms of labour organisation - slavery, encomienda and repartimiento.

Slavery. As had been the case in Hispaniola, slavery was the labour form adopted immediately in New Spain. Cortés and his men branded many Indians as slaves after the conquest of Tenochtitlan and decreed that any group of Indians who had declared allegiance

to the king of Spain and then fought against the Spaniards, were also condemned to slavery. The initial wave of captives taken in the Conquest and the subsequent capture of rebellious Indians provided an immediate labour supply. And as long as there were continual wars, there was a steady supply of slaves. A rebellion of the Opilcingo Indians, for example in 1531, yielded from one to two thousand slaves (Zavala, 1943:51).

During this first phase of colonial occupation of Mexico the Crown did not openly oppose slavery. It was merely stipulated that the circumstances of taking slaves be consistent with established law. Established law, however, always left open enough circumstances to provide a labour force. Slaves could be made of those Indians deemed 'rebellious', or they could be obtained by barter with local Indian chiefs who held slaves. Those who had been slaves under the Indian system could be transferred legally to the Spaniards in exchange for something of value (Zavala, 1943:52-53). But the definition of 'rebellious' Indians and Indians who were already 'slaves' under the Indian system, was open to interpretation. The Spaniards, for example, put pressure on the Indians to bring in all their former slaves. Alonso Zorita, a Spanish jurist in Mexico at the time,¹⁷ noted that the Indians were so afraid of not satisfying the Spaniard's demands, they brought in their vassals and even their own children if they had no others to offer (Zorita, 1965:208).

Another entirely legal way in which the Indians might be enslaved was as a punishment for failure to meet tribute demands imposed by the Spaniards on them. Cortés had divided the Indians among the Conquistadors and allowed each Spaniard to impose a tribute

on the Indians he held (Zorita, 1965:201). If the Indians in a village could not meet their tribute requirements to the Spaniards, they might substitute slaves instead of goods. Additionally, Indians convicted of certain crimes under Spanish law might also be condemned to slavery. The practice of commuting a death sentence to a sentence of slavery was considered a humane form of judicial leniency (Zavala, 1943:52-53). In 1530, the Crown issued a cedula, or order, prohibiting the slave trade. But, Indian slavery was to continue unabated for many years. Legal exceptions were made to orders against slavery every time the supply of labour for the mines ran short (Simpson, 1929:117).

In the haste to make slaves of the Indians in the first years of colonisation, Zorita wrote that the Indians were "...taken in flocks like sheep to be branded." Motolinía, a Franciscan friar who arrived in New Spain in 1524,¹⁸ wrote that every time a slave was sold to a new master he was branded, and many Indians had faces covered with marks (See Steck, 1951:92). Under the Aztec system slaves had rights as well as obligations and status as persons before the law. In Conquest Mexico, however, the slave became a commodity, a human chattel, totally at the disposal of his master (Palmer, 1976:37).

Encomienda. The use of slave labour was accompanied as it had been in Hispaniola by the use of the encomienda as a labour form. The encomienda grant most frequently involved a densely populated city or town and its dependent villages. Cortés, for example, carved out for himself an encomienda which included twenty-two towns and some 23,000 heads of families and comprised most of what is now

the states of Morelos, Oaxaca, Puebla, Mexico and Vera Cruz (McBride, 1971:45). Encomienda awarded to less important Conquistadors were much smaller, but all encomienda grants still provided encomenderos with vast Indian labour reserves (Helms, 1975:148).

The Spaniards usually left the organisation of labour and tribute collection to the former Indian elite, and lived themselves in the Spanish towns off the produce of the Indians (Helms, 1975:149). In the initial years the Spaniards, as had the Aztecs before them, used the traditional lines of obedience established through long years of participation in the indigenous hierarchical social structure to organise labour (Wolf, 1959:1-6). The tribute demands of the Spaniards were, however, so excessive and the Indian lords found it all but impossible to collect them. As Zorita (1965:114) writes of the Spaniards:

...their appetite and greed were their only measure and rule, they demanded all they could in tribute, personal services, and slaves...

The choice was to be either oppressor or oppressed and this situation eroded all respect the Indians had left for their natural rulers. The Spaniards moved among the Indians and convinced them to overthrow natural rulers who did not collaborate with the Spaniards. Then they set themselves up to receive all the tribute formerly going to the lords in addition to, as Zorita (1965:120) maintains: "all they could steal." The Spaniards demanded that the leaders still in power collect high levels of tribute set with little consideration to the ability of the people to pay. Fray Motolinia who studied Indian civilisation in depth, maintains that the tribute demands of the Spaniards were so great that the Indians, in

order to meet them, would sell their children or their land to the merchants. Many, he writes, died as a consequence. As Zorita (1965: 116) notes:

Lords and commoners alike have been ruined spiritually and temporally, while the men who threw them into turmoil prosper on their misery.

The general effect was a levelling out of former social positions so that all Indians moved toward a single level and condition (Palmer, 1976:37).

Even though the Spaniards were theoretically supposed to protect and civilise the Indians they held in encomienda, the Indians were abused and virtually enslaved, especially through heavy labour demands (Helms, 1975:150). Gibson (1964:58) describes the encomienda as "...the most openly exploitative of all modes of contact with Indians and the most aggressively competitive in relation to other Spanish institutions." In the forced reorganisation of the society many Indians, writes Motolinía, died:

...some from torture, and others from cruel imprisonment, since they were treated inhumanely and regarded as being lower than beasts (See Steck, 1951:91).

The Indians became, under Spanish rule, expendable commodities and were treated in these first thirty years of rapacious exploitation, viciously. Tribute demands were set at impossibly high levels and labour demands were excessive. In 1530, for example, over two hundred Indians died carrying the possessions of one of the encomenderos to Vera Cruz (Gibson, 1964:79).

The Spaniards, however, were always intensely "legalistically minded" about their labour organisation (Elliott, 1978:64). They were always careful to justify their actions to the Crown. In an

attempt to avoid a confrontation over the encomienda, Cortés for example, wrote to Charles V explaining that both for the support of the Spaniards and the conservation of the Indians, the division of the Indians into encomienda in Mexico was necessary (Simpson, 1929: 82). Grants of encomienda labour were by this time considered a right of conquest to the individual Spaniard, many of whom had come on the expedition because they had been granted no Indians in Cuba and Hispaniola (Góngora, 1975:9). Charles V, however, was incensed at the presumption of Cortés and his immediate division of the Indians into encomienda. Charles V wrote back informing Cortés that he was to make no more encomiendas in the new land. On the contrary, he wrote, Cortés was to:

...allow them to live in liberty, as our vassals of Castile live...(Instructions to Hernan Cortés of Charles V, 1523 quoted in Simpson, 1929:82).¹⁹

It was two years, however, before this message reached Cortés and when it did, Cortés ignored it. He wrote back to Charles V explaining why it could not be followed. The response of the Crown this time was a whole host of royal officials dispatched to New Spain to put the Conquistador in his place. Nothing was done, however, to attempt to enforce the cedula, or royal order, prohibiting the encomienda. Cortés was granted his huge encomienda in the Oaxaca valley (Simpson, 1929:84,88-90). Even though Cortés was in bad favour at court for exceeding his authority in New Spain, his arguments for the necessity of the encomienda were persuasive. The result of the abolition of the encomienda as described by Cortés, appeared to the court more threatening for the time being than Cortés' challenge to royal prerogative. Since the Spaniards could not support

themselves without the Indian labourers, Cortés argued, abolition of encomienda would mean the abandonment of the new territory. The King would lose his empire and the Indians their souls. Besides, Cortés explained, the Indians themselves much preferred their Spanish masters to the cruelty of their own caciques, or rulers. Cortés assured Charles V that he was familiar with the abuses of the Indians that had occurred in the islands and was being careful that such abuses did not occur in New Spain. The Indians held in encomienda, he wrote, were not to be permitted to work in the mines or on the plantations - this work was to be reserved for slaves (Simpson, 1929:85). But the distinction between encomienda Indians and slaves was all but irrelevant. Many encomienda Indians were treated as slaves (Palmer, 1976:66).

The Crown's worst fears about the establishment of a New World aristocracy were being realised in Mexico. Spaniards, who considered themselves part of a conquering race, followed the traditions of medieval conquest and aspired to becoming a new Spanish aristocracy. The encomienda became a form of land tenure. The Spaniards in Mexico began to view the land as their own and the Indians as their serfs. A characteristic feature of Castilian agrarian life had been the overlordship of the land along with peasant cultivators (McBride, 1971:45). In Mexico, however, even though a feudal institution, the encomienda existed without any of the bonds between master and serf that had existed in Europe. Master and serf were of two different races, two different religions, and two different languages (Simpson, 1929:32).

In the beginning years of colonisation the Crown was forced to

accept the granting of Indians in encomienda. The securing of precious metals in Mexico was the priority and the organising of Indian labour a necessity for this end. Encomienda was the only way to organise labour for the present. Encomienda played a very important economic role with regard to mining. The encomienda produced food for labourers in the mines and also materials used to build houses and mills (Zavala, 1943:84-85). Mexico was a long way from Spain and the Spanish Crown, in order to keep the flow of gold coming, risked the threat of the potential power of the encomenderos in order to use them to organise labour. Charles V backed off on the abolition of the encomienda. But by the 1530's, official reports were beginning to comment on the declining Indian population (Parry, 1966:215).. The Crown responded by sending to Mexico a royal bureaucracy which struggled to take control of labour and production away from the Conquistadors and to centralise control for Spain. The Crown had to put an end to the freewheeling wasteful exploitation of the Age of the Conquistador. The exploitation of the New World had to proceed for the advantage of Spain, not to the advantage of individual Conquistadors.

The Crown, therefore, sent to New Spain an administrative body, the Audiencia, which was designed to take control of the situation for the Crown. Within the Audiencia was vested formal political, administrative, and judicial control of New Spain (Elliott, 1978: 174-176), but no amount of formal legislation could counter the realities of the conquest environment in New Spain and the economic requirements of the age. The struggle for control of Indian labour between the Crown and the individual Spaniard had begun and

was to continue for years, but the Audiencia in these early years brought about little real change in the position of the Indian. The instructions given to the Audiencia which arrived in 1528 were to distribute the Indians fairly in encomienda and to prevent their misuse. But there were not enough encomienda for all the Spaniards and the adventurers who came after them. Factions developed and disorder, violence, and lawlessness were the rule. The Indians bore the brunt of the disorder (Israel, 1975:5). Even the members of the Audiencia including its president, Nuno de Guzman, were concerned primarily with making a personal fortune. The subsequent two years after the arrival of the Audiencia were characterised by rampant exploitation of the Indians. Guzman and his two oidores, or assistants, according to Simpson (1929:98):

...seem to have had but one dominant idea, to grab everything in sight and convert it into cash.

The first Viceroy of Mexico, Antonio de Mendoza, arrived in 1535 with no shortage of instructions about the proper relations with the Indians. The Crown was primarily concerned with native idleness. Mendoza's instructions stated that the Indians were naturally lazy and shiftless and should be employed in the mines for their own benefit as well as the Crown's. Also it was specified that if Indians were unable to pay their tribute, they were to be allowed to work out its value in the mines. The Indians were not to be allowed to pay tribute in kind (Simpson, 1929:155-157).

Repartimiento. Repartimiento was one of the instruments used by the Spanish Crown to centralise control of the wealth and labour in Mexico. Under repartimiento, a certain percentage of Indians in

a village formed a labour pool from which groups of labourers were assigned to individual Spaniards who were required to apply for them through a royal official, the corregidor. Corregimiento was an established Spanish institution which had been used in the fourteenth and fifteenth centuries as both a judicial and an administrative post (Gibson, 1952:68). The establishment of the office of the corregidor in the Spanish municipalities was one of the most effective steps taken by Ferdinand and Isabella to centralise the Crown's power. The corregidor was a royal official responsible directly to the Crown and with no real link to the locale where he served (Elliott, 1963:96).

The encomienda system began to be undercut through the establishment of corregidores and repartimiento in the latter half of the sixteenth century. This was partly due to the centralising tendencies of the Spanish state, and partly as a reaction to the catastrophic decline of the Indian population (Helms, 1975:150). Bureaucracy, the main arm of the control of the Spanish Crown, flooded into Mexico. A new Audiencia, packed with lawyers, arrived in Mexico in 1530 with secret instructions to do away with the encomienda. The weapons in the battles over Indian labour were to be not the sword, but the system of legal formalism controlled by the state (Israel, 1975:5). All the encomienda claims were to be reviewed and those false were to be declared so. These along with all that fell vacant were to be divided into administrative districts called corregimientos, and were to be administered by corregidores who were to be salaried administrative officers of the Crown. Indians in the corregimiento were to have legal status of the vassals of the Crown of

Castile and were to pay an analagous feudal dues or tribute. The ousted encomenderos were to be compensated if found worthy, by being made corregidores. If not, they might be made constables or alguariles (Simpson, 1929:113).

The formal instructions to the members of the second Audiencia, however, stipulated that they were to assess the availability of unconquered provinces that could be pacified and granted as encomienda. These instructions were obviously contrary to the secret order and Simpson (1929:116) maintains that they were intended to lull the Conquistadors into thinking that they had won the encomienda issue. He writes:

The confusing dualism in the treatment of the encomienda during this period goes beyond any rational policy.

The policy, however, was most rational. The Spanish Crown proceeded to take advantage of formally legislating one thing and doing quite another. This use of formal legislation as an ideological tool rather than a serious plan of action was a developed strategy of the Crown and used frequently, as will be discussed later in this chapter, with regard to Indian policy.

For the Spanish Crown, control of Indian labour and tribute increasingly rested with royal officers dependent on royal pleasure and not encomenderos. The number of encomienda decreased steadily during the sixteenth century, and those that remained were subject to heavy taxes imposed by the Crown (Zavala, 1943:89-91). For the Indians, however, corregimiento made little practical difference. The Indian had no money and in the last instance he had to work out his tribute in some way. And the corregidores proved to be as

corrupt as were the encomenderos. The Viceroy, Mendoza, wrote to Charles V:

The persons appointed are incompetent and, moreover, they have no interest in what concerns the Indians except in taking their tributes and stealing from them everything they have left...
(Quoted in Simpson, 1929:163-164).

In 1550, the Crown abolished (with exceptions) the encomienda system and replaced it with repartimiento (Palmer, 1976:66). The discovery of new mines, such as those in Zacatacas and Guanajuato in 1548, created heavy labour demands. The mining regions had to be supplied with labour. The repartimiento system, which required the Indian chiefs to supply Indian labourers for service to royal officials, had the advantage of permitting a much more flexible division of labour and the Crown more control over both the labour force and mining. This, combined with Crown-controlled forced resettlement of Indians near mining centres, created a more efficient system (Frank, 1978b:44-46). The Crown would receive its tribute directly from its own salaried officials and not through the intermediary of an encomendero. What was of real importance was preventing the establishment of powerful feudal estates in the New World and monopolising the tribute. It was the power of the Spanish encomenderos that Charles V was so determined to frustrate with corregimiento.

The Effect of Forced Labour on the Indians

Mining, the central focus of Spanish presence in Mexico, reeked havoc on the Indian population. Slaves who worked in the mines suffered the highest death rate because of the rigorous nature of the work (Palmer, 1976:49). Zorita (1965:208) wrote that they were

being reduced by their thousands through their labour in the gold and silver mines. The provision that slaves rather than 'free' Indians were the only ones who could be worked in the mines was largely irrelevant. Under *encomienda*, the Indians were treated as slaves (Palmer, 1976:66). The charge of rebellion could always be brought against a group of Indians if labour was in short supply. And in addition the restriction of mining to slaves was not carefully observed. The lot of the slave and the forced labourer were equally as hard (Sauer, 1948:89).

The Indians were used as carriers to transport provisions to the mines, and many overloaded, without adequate food, and forced to march eighty or a hundred leagues to the mines, died on the way. The Spaniards loaded them down with the heavy implements needed in the mines and required that they bring their own food. Many, if they survived the journey and the labour in the mines, died on the return trip of hunger, having depleted their limited food supplies. Motolinía (See Steck, 1951:92-93) described the situation around the gold mines in Oaxaca:

From these dead carriers and from the slaves who
secumbed in the mines there was so much decay
that it caused a pestilence, notably in the mines
of Oaxyecac (Oaxaca). Here for half a league
round and for a great part of the way one could
scarcely walk, except over dead bodies or over
bones...

Many Indians, in order to avoid being taken to the mines, fled - abandoning their homes and families. Many of the villages surrounding the mines were depopulated. The Spaniards, Zorita (1965:208) wrote, would secure Indians under *repartimiento* with the pretext that they were being used to construct buildings and then send them to the

mines. The Indians, Zorita maintains, never went voluntarily - they were to go by order of the Audiencia.

The Spanish official, Lebron de Quinones, reported on the situation of the Indians on the west coast around mid-century. The depopulation of the Indians he attributed largely to the taking of large numbers of men, women and children as slaves who were forced to labour "...with as little charity or consolation as though there were no Christianity or fear of God." The Indians were required to carry food to these mines and to break roads to the mines through mountains and woods, with no more food than the powdered corn they brought along (Sauer, 1948:94).

Mining not only consumed lives directly through overwork and disease, it fundamentally upset traditional agricultural patterns. Indian land was taken over by the Spaniards to establish the large-scale agricultural production needed to support the mining economy. Stock raising was an integral part of mining (Keen, 1965:14) and the encroachment of cattle on the land created grave hardships (Zorita, 1965:109). Herds of livestock grazed where the Indians had formerly raised their crops, and free grazing herds constantly destroyed the crops of those Indians who still cultivated (Parry, 1966:219).

The effect was more than physical. Fernando Ortiz wrote in the introduction to his book about slavery in the Indies:

To subject the Indian to the mines, to their monotonous, insane and severe labor, without tribal sense, without religious ritual...was like taking away from him the meaning of his life...It was to enslave not only his muscles but also his collective spirit.

Lebron, the Spanish official, noted that many Indians, seeing

the devastation brought about by the Spaniards refrained from conceiving children or attempted to dispose of those that were conceived before they were born rather than see them in captivity and servitude (Sauer, 1949:94). The dogs of the Spaniards, Lebron notes, were treated better than the Indians.

The toll in human lives and human misery brought about through the economic demands of the time was immense, but by the time of the great mining boom of 1545 to 1610 private entrepreneurship had established itself. Miners, merchants, and the state collaborated to exploit the Indian labour and reaped the benefits (Stein and Stein, 1970:31).

The Ideology of Forced Labour

As has been noted previously in this chapter, the use of forced native labour was never the preferred labour form of the Spanish Crown. Objections to forced labour in the Indies came mainly from the first wave of Mendicants sent to the Indies to fulfill the papal dispensation to save souls. The Mendicants were extremely vocal in their protestations and Las Casas was perhaps the most vocal in his opposition. Las Casas had received estates and Indians in Hispaniola himself, and worked Indians in the mines. He could not, however, reconcile forced labour with the Erasmian humanism of his order. He therefore, not only freed his own slaves but vowed to work for the protection of all the Indians (Hanke, 1974:7). Las Casas spent a major part of his life attempting to influence Spanish policy toward the Indians.

Through his experience and observation of the New World, Las

Casas deduced the fundamental materialist aspects of Indian oppression. He consistently stressed the economic roots of colonial ideology and maintained that the material welfare of the Indian took precedence over all other concerns, even those of conversion (Keen, 1971:94). Las Casas believed that basic justice for the Indian depended on the economic form taken by colonisation. He wrote that the only way to ensure justice was the deliberate colonisation of the New World with Spanish peasant farmers who would work side by side with the Indians, sharing the profits of their collective labour (Hanke, 1949:54-56).

Las Casas worked out and presented to the Crown a detailed plan of just how such a colonisation would be accomplished. His plan received tacit royal support to be tried on a limited basis, but Spanish feudal lords were ill pleased by the recruiting of their labourers to go to the New World and they resisted him at every turn. So effective were these powerful lords in opposing Las Casas that he dropped this project in 1520. Perhaps a bit wiser after his first attempt, Las Casas worked out another plan which stressed the economic interests of the Crown. He promised the King increasing revenues through his new experiment. He secured royal permission to try this plan, but it too was a dismal failure in large part because of the interference of Spanish colonists in the New World (Hanke, 1949: 61-67). The economic demands of the age required forced extraction of surplus labour from the colonies and Las Casas' experiments were not, because they took into consideration the welfare of the Indians, designed to maximise profit. The cheap labour of the Indians and the kind of labour they performed was connected to the demands of an

international market (Braudel and Spooner, 1967:377). But by allowing Las Casas to pursue his experiments and allowing them to fail, the Crown further justified to itself and its critics that forced labour in the New World was necessary.

The Indians obviously could and did live freely before the Spaniards came, governed and fed themselves. The issue in Hispaniola and in Mexico was the Indian's ability to readily adapt to an economic role assigned to them. Because they could not, forced labour was the only alternative if economic aims in the New World were to be fulfilled. If Indians could not be convinced to sell their labour, to view their labour as a commodity to be sold, other methods of ensuring labour had to be adopted. The Crown was careful, however, always to present forced labour not as a means of enriching Spanish coffers, but as an example of humanitarian concern for the Indians. Ferdinand, for example, called together a group of theologians and officials who after consideration of the issue of Indian treatment, issued in 1521, the first in what was to be a series of formal laws to specify the proper relationship between the Spaniards and the Indians. The Laws of Burgos basically affirmed the concept of freedom for the Indians, but were terribly concerned with their idleness (Hanke, 1949:23-25). The Indians must work, must engage in productive labour - not for the good of the Spanish, it was reasoned, but for the good of the Indians themselves.

The Laws of Burgos contained all manner of instruction about good treatment of the Indians and the responsibility of the encomenderos to Christianise them, but they were every bit as concerned with work as they were with religious instruction. Churches, for

example, were to be built at the mines. It was generously specified that the Indians were not to be prevented from doing their traditional dances unless the dancing interfered with or caused them to neglect their usual work stint. The Laws were extremely detailed and even specified what should be done with an Indian who failed to come to evening prayer (Simpson, 1929:65-70). One third of all Indians were to work in gold mines and each Indian was compelled to give nine months each year to work for the Spaniards. In the other three months of the year the Indians were to be allowed to work on their own land or for the Spaniards for wages (Hanke, 1949:25). The Indians were entirely free, the laws were designed only

to prevent their living in idleness and to assure their learning to live and govern themselves like Christians (Altamira, 1938: 75).

In the Laws it was stipulated that Indians were to be moved from their villages, nearer to the Spanish for their own good. It was reasoned that such a move would facilitate religious instruction, would prevent the deaths of Indians who got sick in their own villages and died "because no one knows they are sick." The many hardships the Indians suffered from being so far away from the Spanish were described in the text of the Laws. It was ordered that the Indians for their benefit, be given in encomienda and their villages burned since the Indians "will have no further use for them..." (Laws of Burgos, quoted in Simpson, 1968:62-64).

The Laws of Burgos while asserting the humane treatment of the Indians, officially sanctioned the encomienda (Ots y Capdequí, 1959: 69). The Laws of Burgos provide the first in a long history of examples of Spanish sophistication in terms of constructing apparently

humane legislation couched in acceptable terms which ensured Spanish economic interests, while appearing to protect the Indians. The Laws, for example, provided for a 'visidor' to inspect for compliance with the laws. This visidor, however, was to be chosen from among the Spaniards and given an encomienda. The visidor was forbidden to harbour lost or runaway Indians and was to return them to their masters immediately (Simpson, 1968:77). One could hardly design a situation more likely to ensure the ineffectuality of the appointed visidores. The Laws had little effect. The rapacious exploitation of Hispaniola devastated the island in only a few years. By 1519, all the gold to be had was taken out and the Indians virtually eliminated (See Sauer, 1966:196-204).

By the time of the Conquest of Mexico, slavery and encomienda had been in existence in Hispaniola for twenty-five years. With the appointment of the first Audiencia in Mexico, the Crown appointed a visidor - a Protector of the Indians, Juan de Zumarraga. Zumarraga's commission, however, was so vague and so overlapped the commission of civil authority, he was all but powerless. The Crown was to use consistently in the administration of colonial affairs the practice of creating overlapping authorities to play one faction off against the other and preserve its own authority. Zumarraga, however, did not take his position lightly and he felt compelled to at least attempt to fulfill his appointed duties as Protector. This infuriated the head of the Audiencia, Guzman, who refused to even recognise Zumarraga's commission and authority. Guzman complained bitterly to Charles V that the excessive zeal of Zumarraga would ruin all his, Guzman's, work in New Spain (Simpson, 1929:97-99).

Zumarraga finally smuggled out a letter to Charles V relating his version of what was happening in New Spain even though Guzman had imposed a rigid censorship to prevent adverse opinions from reaching Spain. In his letter, Zumarraga alleged that Guzman and other members of the Audiencia were using Indian labour and profiting from them even though this was strictly forbidden by royal order. Members of the Audiencia, he wrote, were declaring encomiendas vacant and confiscating them for themselves and their supporters. Zumarraga claimed that 10,000 people had been taken and branded as slaves because of Guzman, and that Guzman was selling and profiting from the sale of licenses to buy slaves (Simpson, 1929:101-102,224-248).

Zumarraga, by taking his commission seriously, stirred up trouble and after he started taking complaints and depositions of crimes from the Indians, the Audiencia decreed that he was to have no further authority over anything to do with the Indians. "In all the land," wrote Zumarraga to Charles V "there is not a lawyer who dares to advise me, or come to my house, or receive me in his" (Simpson, 1929:235-236). Because the Indians frequently went to the clergy to seek redress for the abuses of the Spaniards, the royal Audiencia forbade the appealing to spiritual authorities for redress under pain of arrest and imprisonment. The Indians were threatened by hanging if they even so much as talked to Zumarraga (See Steck, 1951:12).

Zumarraga wrote to Charles V and recommended the removal of the Audiencia. The Indians, he maintained were loaded and sent like pack animals to the mines where many died and that many were falsely

branded as slaves (Simpson, 1929:240-241).

...it is such a commonplace to abuse these poor Indians by robbing them and doing them violence that it hardly seems a crime (Simpson, 1929:246).

In answer to all his complaints, Zumarraga wrote to Charles V, Guzman had "...answered that they (the Indians) had to do what the Audiencia commanded them, whether they died or not..." (Simpson, 1929:237).

The Crown, concerned to ensure its own authority in the new territory, encouraged this direct appealing to the Crown from individuals like Zumarraga. The Crown was concerned to prevent the concentration of power in any hands but its own, and this practice of encouraging individuals to appeal directly to the Crown accomplished a number of purposes. First, it diffused opposition. As long as all competing factions - clergy, encomenderos, royal officials - felt their case was being considered by the Crown, they were less likely to act independently of Crown authority. There was always the chance that the Crown would decide in their favour and act for them. Also, as long as everyone was appealing to the Crown, it remained the source of power. The Crown encouraged freedom of speech, but could then decide to ignore the recommendations. Secondly, this constant feedback from all factions ensured that the Crown kept up with what was going on in these distant territories. It formed a sort of intelligence service. The Crown was careful to centralise and control this information. Ferdinand had ordered as early as 1509 that no one should be prevented from sending letters to the Crown (Hanke, 1946:142).

Ferdinand, however, also ordered that the friars in Hispaniola

were not to preach against the encomienda. Freedom of speech had to be carefully controlled. In 1531, the friars were ordered that they were not to preach against figures of authority in the New World but were to send their complaints to the King (Hanke, 1946: 142-144). Colonial administration was to be characterised by a deep-seated distrust by the Crown of its own officials (Haring, 1947:122). Charles V in 1529, and again in 1530 ordered that there should be no interference by the Audiencia with letters or people coming to Spain.

The Audiencia was replaced, but by 1532 the Crown had removed the Protector role from the missionaries entirely on the recommendation of the new Audiencia, and from then on a body of four men were given the responsibility of patrolling a country several times as large as Spain to punish the abuses of the natives (Simpson, 1929: 133).

The Dominicans at the Spanish court never stopped their campaigning on behalf of the Indians and Las Casas returned to Spain in 1539 to make a last attempt to influence Spanish policy. For two years he haunted the Court arguing against the encomienda. When Charles V returned to Spain in 1542, he ordered a meeting to consider the question (Hanke, 1949:87-88). Las Casas and others presented evidence of Spanish cruelty in New Spain, and in November of 1542, the New Laws, or "laws and ordinances newly made by his Majesty for the government of the Indies and good treatment and preservation of the Indians" were issued (Hanke, 1949:91). The New Laws were, in appearance, strongly in favour of the Indians. Twenty-three of the fifty-four articles concerned Indians including clauses

which abolished slavery and the encomienda. There was little, however, in the codes which was new and Mendoza's instructions carried little of the tone of the New Laws (Simpson, 1929:154-156). Viewed in isolation from their social context, the New Laws appeared very humane and have received great praise from scholars. A dissertation, for example, on the background of Hispanic-American law (See Vance, 1937:148) describes the New Laws as being 'revolutionary.' The scholar who wrote this dissertation maintained:

...their enactment was an attempt to free a nation of slaves, and to destroy the foundation of vested rights with one stroke....an impressive declaration of the principles of human freedom...

But a declaration was all the New Laws were to be. Predictably, the reaction in the New World to the New Laws was one of rage. Some forty percent of the colonists were directly supported by encomienda and many more indirectly benefited (Helms, 1975:150). The provision about encomienda threatened the established economic interests not only of the encomenderos, but of the most powerful royal officials and ecclesiastics in the New World. The storm of protest was heavy. At this time, even the friars sent messages to Charles V that to abolish the encomienda was disastrous. The display of support for the encomienda was impressive considering the long years of work in the Spanish court of those like Las Casas. The fear of Indian revolt was stressed even by such men as the Dominican Provincial and Dean of Oaxaca, and the Treasurer of the Cathedral of Mexico. Even Zumarraga now strongly argued for the revocation of the New Laws (Hanke, 1949:92,98). The initial hostility between the friars and the encomenderos had lessened. By the 1540's the two groups began to

close ranks. The churches were receiving substantial financial support from the encomenderos, and the encomenderos gradually had come to appreciate the stabilising effects of the church (Parry, 1966: 166-167).

In 1545, Charles V revoked the clause forbidding the awarding of any more encomiendas and the inheritance of old ones. The next law to go was the clause providing that all suits involving Indians should be heard by the King himself. Also revoked in 1545 was the provision that if the Indians in encomienda were ill-treated, they would be taken away from the encomendero who held them (Hanke, 1949: 101,179). In reference to this series of revocations, Simpson (1929: 180) has written "...the encomienda had triumphed again...laws running counter to the interest of a majority will not and cannot be enforced." Simpson, however, overlooks the fact that the New Laws did not run counter to the majority, but counter to the interests of the powerful. Had the provisions of the New Laws concerning slaves and the restriction of carriers been enforced they would have severely hurt production in the mines. They were, therefore, not enforced. Even though slavery was formally abolished in 1542, many years were to pass before slavery as an institution ended (Palmer, 1976:65). And even when slavery ended, debt peonage, another form of slavery, took its place.

The Crown issued in 1549, an equivocal statement on the taking of rebellious Indians as slaves which concluded with the instruction that the Audiencia was to use its discretion in the matter. The labour shortage in the mines was a serious problem, but the Crown did not want to take the formal responsibility for slavery. The

illicit taking and using of slaves, however, continued. Also in 1549, the Crown issued a cedula to the Audiencia forbidding the encomenderos from sending their Indians to the mines. Another cedula issued shortly afterward, forbid the commutation of tribute to work in the mines, but added that if there were a shortage of pack animals, Indians could be used as carriers provided they weren't worked too hard or loaded too heavily. This perpetual repetition of ordinances with no subsequent action was one of the most common features of Spanish colonial lawmaking (Simpson, 1929:180-181). Gibson (1966:110) has written that the period was characterised by a "proliferation of paper and a paralysis of action."

The debate over the New Laws clearly involved a conflict between feudal and royalist interests in the organising of labour. The encomienda was always a threat to royalist power and the directives in the New Laws forbidding the use of Indian slaves may well have been designed to increase tribute coffers with the belief that free Indians meant more tribute (See Hanke, 1949:103; Gibson, 1966:106; Helms, 1975:158). The struggle to abolish the encomienda, however, was always conducted in terms of religion and humanitarianism (Simpson, 1929:150). Hanke (1949:104-105) notes the wisdom of the policy course that the Spanish Crown pursued in these years:

Tense situations developed in America, but few revolts of consequence, and the King maintained his position as an all-powerful monarch to whom the various factions fighting for favor presented their problems for resolution.

Summary

The interests of both the Spanish Conquistador and the Spanish

state were served by the discovery of precious metals. The presence of these metals in Mexico largely ensured that a colonial economy would be set up in Mexico geared toward the production of precious metals. In order to exploit these metal reserves, however, and set up an agricultural base that would produce the commodities needed by mining, the labour organisation of the Indians had to be restructured. And, force was used to bring about this restructuring. Many Indians were taken and branded as slaves. Others were forced to contribute their labour to mining and Spanish agricultural pursuits through the *encomienda*. Both labour forms were openly exploitative and openly violent. The Indians became expendable commodities - to be worked and used at the will of the Spanish dominant class.

Within Spain, however, the Monarchy was attempting to bring about a labour organisation more consistent with emerging capitalism. The peasantry had been freed to a large extent from the land and feudal obligations and therefore freed to accept their labour as a commodity to be sold on the market in the form of wage labour. The Crown was concerned to prevent the establishment of feudal labour forms in the New World and therefore constantly legislated that the Indians should be used as wage labourers and not as slaves or feudal serfs. But both because of the resistance of the Spanish Conquistador class and the inability of the Indians to readily adapt to a system of wage labour, the Crown had to accept the use of these pre-capitalist labour forms in order to keep gold production going. Over time the Crown was able to implement a form of labour organisation which, even though it relied on labour drafts and not voluntary wage labour, was more directly under Crown control. The salaried

officials of the Crown rather than the members of the Conquistador/encomendero class organised Indian labour under the repartimiento system.

The struggle between feudal and royal interests with regard to Indian labour, however, made little difference to the Indian. His labour was exploited by Crown and colonist alike to maximise profits. The apparently humanitarian legislation of the Spanish Crown with regard to the Indian was designed more to wrest authority away from the feudal encomenderos and to quell criticism from the clergy than to bring about a fundamental change in the treatment of the Indian.

CHAPTER X

LEGAL SANCTIONS IN CONQUEST MEXICO

When the Spanish Conquistadors first arrived in Tenochtitlan, they marvelled at the efficiency and fairness of the Aztec legal system (See Cortés, 1971:105,108,464; Prescott, 1922:25-26). Cortés (1971:108), for example, wrote in a letter to Charles V:

...these people live almost like those in Spain
and in as much harmony and order as there...

But Spanish admiration for the order and discipline brought about by the Aztec legal system did not prevent them from imposing a Spanish legal system as soon as the Conquest was completed. The establishment of Spanish domination was required if Spanish ambitions in the region were to be fulfilled, and the Conquest accomplished to such an extent that it could not be reversed. And to establish this dominance, competing systems of power and the institutions which were a part of those systems of power had to be eliminated. As Cortés made clear in one of his messages to Moctezuma, the Indians could serve but one master. Additionally, however, and more important was the fact that the Aztec legal system was devised to meet the requirements of a social formation radically different from the one the Spaniards were to impose on Mexico and was therefore, after the Conquest, largely obsolete. Aztec legal codes contained none of the concepts necessary for the operation of a mercantile capitalist mining economy such as private property, ownership of

land, contractual money agreements, and labour as a commodity. The inadequacy of the Aztec legal system to define relationships in a way which was consistent with the needs of the new socio-economic system was a far more important determinant of its eventual abolition than the fact that it represented a threat to Spanish sovereignty.

As Lefebvre (1968:113) has noted, more than any other social formation, the capitalist social formation requires a legal code to formalise and institutionalise especially the property relations inherent in that mode of production. Because of the stage of development of the Spanish, and indeed the western European socio-economic formations, concepts such as land as private property, contractual agreements, labour as a commodity, were required for the functioning of the economy and the society. In Aztec Mexico such concepts did not exist or existed only in the most rudimentary form. They were, therefore, not reflected in Aztec law. The Spaniards, therefore, of necessity imposed their own system of law which contained these concepts.

During the thirty year period after the Conquest - the Age of the Conquistador - the Spaniards enforced Spanish as opposed to Indian conceptions of law in areas which were important to their interests - the definition of the nature of forced labour, the nature of land ownership, tribute requirements, the definition and nature of slavery, and the definition of 'rebellion.' In other areas the Indians were left to the authority of the church and their own leaders. As was noted, however, the authority of native leaders was so subverted that the authority held by these leaders under the Indian

system all but disappeared, and the Spaniards imposed Spanish legal concepts on increasing areas of Indian life.

The Spaniards, then, like the Aztecs, imposed their own law and legal concepts in areas which were required in order to maintain the sets of power relations coherent with the society and system in which they held power. When the Aztecs conquered an outlying province, they generally left civil and criminal jurisdiction in the hands of the natural rulers of the area (Zorita, 1965:113). And they depended to a large extent on these rulers to guarantee tribute agreements. Even though the domestic system of law developed by the Aztecs was widely copied by the Indians of surrounding groups, there was no attempt by the Aztecs to force this domestic legal system on conquered peoples further than that they comply with tribute requirements. But, the Aztecs were not attempting to transform the basic economic organisation of conquered territories, and the changes required of the conquered peoples in these territories were minimal. Aztec conquests meant the appropriation of agricultural surplus produced by a labour organisation already existing in conquered regions. The Spanish Conquest, however, involved the imposition of an entirely new economic form, and therefore, set of social and economic relations, and therefore more fundamental changes in concepts, especially with regard to labour. The Indian legal system, organised to meet the needs of a pre-capitalist social formation, was simply inadequate to meet the needs of the new social formation.

In these initial years after the Conquest, however, before the influx of royal officials and before the Crown gained control of the legal system, the imposition of Spanish legal concepts was a

fairly capricious affair. The law, although based on Spanish legal concepts, tended to be the will of the individual encomendero. The colonial encomendero exercised in these early years, almost total administrative, police, military, fiscal, and religious authority over the Indians in his encomienda towns and villages (Tiryakian, 1979:20). The encomendero was by and large operating within a set of recognised rights and privileges established during the Reconquista in which the conqueror was awarded almost total authority over the lands he conquered - subject only to his obligations to the monarch. The difference, however, between the rights of the conqueror during the Reconquista and those rights in New Spain, was that the conqueror maintained the right of total authority over Indian labour as well as land.

The Indians, therefore, were conceived of and treated as the virtual property of the Spaniards and the encomenderos were often referred to in documents as "owner of Indians" (Tiryakian, 1979:21). The Indians were worked, punished, and disposed of by the encomenderos at will. The encomenderos exploited the Indians unmercifully. They overworked them in all forms of manual labour, building, farming and mining. They overtaxed them. They jailed, beat, killed and set dogs on Indians who refused to do what they were told. Encomenderos seized the Indian's goods, disrupted their agricultural practices and used them as beasts of burden. They took Indian tribute and then forced the Indians to buy products at exorbitant prices (Gibson, 1964:78). Gibson (1964:78) describes the behaviour of this first encomendero generation as:

...one of generalised abuse and particular atrocities...Coercion and ill-treatment were the

daily practices...The first encomenderos, without known exception, understood Spanish authority as provision for unlimited personal opportunism.

The Spanish Crown had, however, in Spain separated the control of peasant labour from their own aristocracy and was determined to break the unchecked control of the encomenderos over the Indians in the New World. The sixteenth century Spanish state was the most advanced in Europe, and Spain led the rest of Europe in the development of the field of jurisprudence and in the practice of law and government (Parry, 1940:2). The Spanish monarchy had effectively used law and legal institutions in Spain to erode the power of the feudal aristocracy and centralise royal control. In Mexico the Spanish state would attempt to do the same (Parry, 1966:192; Kagen, 1981:123-125). The establishment of fiefdoms in the New World with Indian labour tied to individual encomenderos was an establishment of feudal relations to which the Crown was diametrically opposed. The Crown would attempt during this thirty-year period to extend its centralising policies to the New World, and especially through the control of the law and the legal system, to prevent the development of a feudal form of social organisation (See Helms, 1975:152; Tiryakian, 1979:9). The monopolisation of coercive power by the state had been an important step in the centralisation of power in Spain and it was no less important in Mexico (Tiryakian, 1979:14-15).

This centralisation, however, up until around 1550, remained more theory than practice. There was an almost perpetual conquest situation in Mexico during these early years, communication was unreliable and difficult, and the encomenderos stubbornly refused to relinquish their prerogatives. In those early years, therefore,

colonial administration of justice was in general left to individual Spanish entrepreneurs who wielded great power and authority of discretion (Stein and Stein, 1970:70).

The Crown did however, make gradual progress into wresting control over law and the administration of justice from the encomenderos. When the administrative body, the Audiencia, was sent to Mexico in 1528 it was given formal political, administrative and judicial control of the new territory. The establishment of the Audiencia was intended to begin the process of centralising control over the law and the administration of justice for the Crown. Ots y Capdequí (1959:256), for example, maintains that the Audiencia should be considered the most important organ of royal jurisdiction in the New World. But the members of the first Audiencia were notoriously corrupt and they like the encomenderos saw their position within colonial society as a means of personal gain. They invested most of their energies securing their own interests; the interests of the Crown were secondary.

Summary justice, then, even after the Audiencia arrived, was the order of the day. Motolinía (See Steck, 1951:214), for example, wrote of an event which occurred in 1528 under Guzman's Audiencia. A man was arrested on a charge which was so trivial, Motolinia writes, "...he would have been acquitted if his case had been properly presented in court by a procurator and lawyer..." In addition, his misdeeds had been committed such a long time in the past that the time for prosecution had lapsed. Nevertheless, as Motolinía writes:

...the court refused to try his case, and so he was executed.

Motolinía records three other instances during this period where men were sentenced to death and executed without a trial in court.

With the appointment of the second Audiencia, the Crown again began a concerted effort to wrest judicial authority away from the encomenderos and institute a system of royal law. The Audiencia was given the power to confirm the election of officials and a few officials, corregidores, were appointed for Mexico City (Borah, 1982:269). These corregidores, however, were allowed to visit their jurisdictions only by permission since it was feared that they might come into conflict with encomenderos or use their power to exploit the Indians in a similar manner as the encomenderos. Even in the 1540's it was customary to think of Indians as falling under the jurisdiction of either a royal corregidor or an encomendero. The authority of the corregidores, however, was gradually extended to cover Indians in encomienda as well as Indians in royal repartimiento areas. In the 1550's the corregidores were given civil and criminal jurisdiction in cases involving Indians and Spaniards as well as those cases involving Indians alone. Corregimiento, then, was eventually to become the institution of royal justice (Gibson, 1964:82).

In the first some fifty years of Spanish colonial jurisdiction of New Spain, however, local town councils, or cabildos, had practical jurisdiction over minor civil and criminal cases. These municipal governmental bodies, especially in the main cities and towns, became immensely powerful, closed oligarchies of rich encomenderos. The encomenderos required land and as members of the cabildos, regidores, they were responsible for distributing land. As ranchers they produced foodstuffs, as regidores they fixed the prices

at which foodstuffs were sold. As mine and land owners they needed labour, and as regidores played a part in the administration of native labour. As individual citizens they were liable to be sued, but as regidores they chose and elected the magistrates before whom any such case would be heard (Parry, 1966:108). As Parry (1966:108) notes, the cabildos became, therefore, the chief institutions for safeguarding the interests and expressing the opinions of the conquistador class.

The Crown gained more and more control of affairs by the appointment of corregidores as the district official who presided over the cabildo and who was responsible for local law, order and justice. But the corregidores themselves wielded considerable autonomous power in the territory, and were difficult to control (Helms, 1975:154). They came to have, however, almost total jurisdiction over the Indians - civil, criminal, and military (Zavala, 1935:156).

The inroads made by the Crown into control over legal matters made greatest difference to the Crown and to the encomenderos. Royal control of the law made little difference to the Indians. For the interests of the Crown and the encomenderos alike were served by exploiting the raw materials of the region and in order to do this, cheap Indian labour was required. The real struggle for control over the law and the administration of justice was over who - the Crown or the encomenderos - would control this exploitation and who would receive the most benefits from it, not whether it would occur. The corregidores were as notorious exploiters of the Indians as were the encomenderos. Even though they were salaried officials of the Crown, in this early period their salaries were exclusively

dependent on tribute from the Indians, and the position of corregidor was often awarded to encomenderos. The smallest encomienda yielded an income larger than the best paid corregimiento and the salary of the corregidor was fixed, but it was easy for a corregidor using his position of power to supplement his income through exploitation of the Indians (See Gibson, 1964:83).

Even though the corregidores were Crown officials, once they were in New Spain and confronted with the immense possibilities of accumulating vast personal wealth and power, they usually ignored or subverted Crown rulings. As Helms (1975:154) notes, two sets of laws developed in the New World - the formally enacted laws of the King of Spain and those by which the Spaniards governed their lives. Gibson (1966:109) remarks:

Between the individual and the law in Spanish America there was always a certain irrelevance.

Imperial law itself was, by and large, a continuing series of isolated and unconnected statements, extremely detailed and often logically incoherent (Gibson, 1966:109). Penal law, for example, was not a coherent set of stipulations gathered in one source. Elements of penal law were contained in many documents and drawn from many different sources. Even though there were certain progressive elements stipulated such as freedom under bail, the requirements of judicial authorisation for jailing and the limit of two years for the penal process, the system was in general primitive with different applications specified for those of different social classes, the application of torture, constant mixing of the concepts of sin and crime, and cruel penalties (Floris Margadant S., 1978:105).

Stipulations which ran counter to the interests of the encomendero

class were largely ignored. The encomenderos and the royal courts alike exploited the Indians by taking the Indian's land, enforcing a system of forced labour, and punished Indians that proved 'troublesome' by slavery, mutilation or death.

Tribute Requirements and the Confiscation of Land

Immediately after the Spanish defeat of the Aztecs at Tenochtitlan, Cortés decreed that no further tribute should be paid to the Triple Alliance - all tribute was to come to the Spaniards. In the next thirty years the Indians were to be required by law to pay tribute to encomenderos, the Crown, the Church, and in some cases native rulers as well. The combined tribute demands of these sources, according to Zorita, were well in excess of the demands of the Aztec ruling nobility in pre-Conquest times. Zorita wrote that after the Conquest one Indian paid more tribute than did six before. Zorita wrote a letter to Charles V complaining about this situation:

...let me briefly summarize what your Majesty
has decreed in the matter of Indian tribute.

In this letter Zorita goes on to detail that the Castilian King had decreed that the natural lords and rulers continue to receive their tribute and that enough tribute was to be paid to the encomenderos to allow them to live comfortably. Additionally, Zorita pointed out, the Crown required that this tribute be less than was paid in 'heathendom'. (See Zorita, 1965:189). Zorita (1965:239) points out:

...although all that your Majesty provides for
in these articles is most saintly and necessary;
it seems to me impossible to comply with all
their provisions...(Zorita, 1965:217).

Indeed, it was often impossible for the Indians to meet the tribute requirements placed on them. But these exorbitant demands worked to Spanish advantage. According to law, Indian land could be seized only if it was unoccupied or unused. But the confiscation of land was frequently used as a punishment for not meeting tribute requirements. The Spaniards, therefore, either received exorbitant tributes or Indian land. Once the Crown began to take control over law and colonial justice, a royal official, designated by the Audiencia fixed tribute amounts. The encomenderos, however, had more or less free hand in choosing this official (Zorita, 1965:220).

The Spaniards disrupted the Indian agricultural system by taking over the land and adjudging it private property, and trickery was often used to gain access to the land (Zorita, 1965:111). Zorita (1965:108) described how the encomenderos in concert with the courts took land away from the Indians.

Let some Spaniard observe or learn that some of this land is not being cultivated, and he will apply to the governor for it. As a rule the individual who is appointed to look into the matter has little interest in the Indians' welfare. If by some chance a good Christian is appointed, the petitioner usually finds ways and means of having him replaced...especially if there is some possibility of collusion or bribery, which is ever present. As a result, the examiner invariably submits the opinion that the land can be given...It does no good for the people of the barrio or calpulli to contradict him.

The Indian...dares not speak, nor does he know what to say, for all are against him. So the alguaciles (officials) have the formal accusation drawn up to their liking, and the oidor bases his decision upon it (Zorita, 1965:108, 176).

To the Indians land was a means of production, held communally,

distributed according to the requirements of use. Families received parcels of land and other land was allocated to support certain offices or functions. To the Spaniards, land was property and the owner could till it, allow it to remain idle or even destroy it as he wished. This was subject only to the sovereign's right to tax the land or take it for public use on due compensation. In New Spain, the Spaniards declared that all land vacant or unused by the Indians was available to be confiscated. Land, to the Spaniards, was not merely a means of production. Ownership of vast stretches of land, more than the owner could possibly use, was a visible sign of status within the community and a form of investment - one of the few forms of investment that were safe.

The confiscation of land, through legal and extra-legal means, resulted in much indirect violence. Many Indians starved and others were forced into any kind of labour offered by the Spaniards no matter how dangerous. And the legal system itself offered little redress for the Indians. If, for example, the Indians complained of excessive tributes that were making it impossible for them to keep their land, they paid the cost of sending a Spanish official to do a recount of tribute and were even responsible for feeding and sheltering him while he was in the region (Zorita, 1965:221).

Forced Labour

Since the wealth of the New World could only be extracted through the use of native labour, it is not surprising that the punishments for many crimes involved sentences of forced labour. Slavery and forced labour existed among the pre-Conquest Indians, but

under Spanish rule a "fairly benign native institution became a harsh and destructive form of exploitation." Under Aztec law, even slaves had had rights before the courts. Under the Spanish, however, slaves were civilly dead, human chattel who could be worked, transported, and sold like domestic animals or any other type of merchandise (See Borah, 1982:271).

The sanction of forced labour existed as a form of punishment within the Aztec legal system, but played only a minor role. The Aztec state depended on the appropriation of agricultural surplus from independent peasant producers, not the production of forced labourers. To the Spaniards, however, forced labour was the primary form of labour organisation, necessary for the exploitation of the territory. Slavery became, under the Spanish, a common punishment for crimes (Zavala, 1964:58). It was commonplace, for example, for the Indians convicted even of minor crimes to be sentenced to a certain period of service to private individuals. These individuals used the Indians as slaves, working them heavily, forcing them to serve with little food in substandard living conditions, and physically abusing them. Even if the sentence was a fine, a private entrepreneur could pay the fine and thereby 'buy' the Indian. Private entrepreneurs therefore, were provided with a cheap labour force through the legal system (Gibson, 1964:243-244). Zorita (1965: 176) noted that a false accusation or arrest could easily result in a sentence of forced labour or slavery even to the official who brought the charge. With the Indians so sentenced - removed from their land, the land was not cultivated and therefore, the Spaniards could claim that it was available to be declared private property.

Corporeal Punishments

Aside from the confiscation of land and forced labour as punishments for crimes were the various physical punishments. Whipping, for example, was a form of punishment meted out to slaves convicted of various offenses by both civil and religious authorities. Palmer (1976:51) notes that at times the rules for whipping allowed as many as two hundred lashes. And these severe physical punishments were not just administered by the whim of the individual encomendero. Even as late as 1547, when the Crown had taken over a substantial control over law and the administration of justice, the cabildo of Mexico City ordered that the punishment for blacks who strayed into Indian neighborhoods was, on the first offense, 100 lashes. The second offense brought two year's labour in the mines. The third offense resulted in exile. Other punishments proscribed for offenses were physical mutilation such as the cutting off of an ear, a hand, or a leg. Slaves were often punished by the dropping of hot pork fat or melted pitch on the victim's skin (See Palmer, 1976:50-60).

The death penalty was as well widely used in colonial Mexico. As Quiroz Cuaron (1962:11-12) notes, it served many purposes. For the authorities it served as a method of coercion, a threat to Indians who did not obey the will of the Spaniards. It removed Indians from land which was desired and could then be declared unoccupied. For the church it was used as a method of saving souls by using the executed as an example to others. Quiroz Cuaron goes so far as to call the use of the death penalty in colonial Mexico as a method of genocide.

From the beginning of the colonisation of the New World the Crown had intended to take jurisdiction of all cases punishable by death or mutilation. In the first years this was impossible given the almost total control of the encomenderos. When the Crown did eventually manage to wrest control away from the encomenderos, royal officials were confronted with a plethora of cases which had been subject to the penalty of death or mutilation under Indian law which these officials were instructed to uphold in areas which did not interfere with Spanish concerns. But the number of cases punishable by such extreme measures under Indian law were legion. Royal judges opted for two primary solutions. One was to declare that some offences, such as verbal insults and blows delivered by hand and without any weapon, should be dealt with by reprimand rather than trial and punishment. Another solution was to replace the more severe penalties with service in the mines. During the 1530's the Audiencia, with royal consent, adopted the policy of branding and selling as slaves those Indians convicted of crimes the punishment of which would have resulted in death, mutilation or torture. This solution was used until the 1540's when the New Laws abolished official Indian slavery (Borah, 1982:276). The court officials then complained that since the option of slavery had been taken away, if they carried out the proscribed penalties, the butchery of humans in New Spain would exceed the butchery of animals.

Rebellious Indians

From the beginning of the Conquest, Indians defined as 'rebellious' were considered legally as appropriately enslaved. What exactly

constituted a 'rebellious' Indian, however, was always subject to interpretation. The law was used from the beginning of Spanish occupation of New Spain to punish those Indians who showed a reluctance to accept Spanish rule. Indians who practiced idolatry and human sacrifice and even the observance of native religions were considered rebellious and therefore severely punished (Borah, 1982:268-269). An Indian priest, for example, Martin Ocetotl, who persisted in practicing the native religion was considered to be interfering with native acceptance of the new social order. He was brought before the Audiencia on several occasions, his lands seized, and was finally deported (Sweet and Nash, 1981:128-141).

Not only the encomenderos and the royal courts punished Indians considered troublesome, but the church. In 1530, for example, the church had an Indian who it considered an idolator executed (Gibson, 1964:117). It also had the Indian cacique, or native ruler, of Texcoco burned at the stake in 1539 (Borah, 1982:269). Franciscan friars often heard civil and criminal cases involving Indians in Tlatelolco, and even sentenced some to a Franciscan jail. Indians who absented themselves from certain religious functions were whipped. The Crown would move, as it had with the encomenderos, to stop these clerical punishments of the Indians - not because they were felt to be unnecessary or cruel, but because they directly challenged the Crown's position as the sole administrator of public law (Gibson, 1964:117).

Court Appeal

Technically the establishment of courts in New Spain meant

that the Indians as well as the Spaniards could appeal to the Spanish courts to redress the wrongs that were done to them, even by royal officials (See Borah, 1982:272-274). But even though royal officials such as the corregidores were legally responsible for their abuses in office, they were almost never punished (Gibson, 1964:92). Technically as well, cases could be appealed out of the local area and to the Audiencia, but even though such an appeal was theoretically possible, practically it meant an expensive journey. If the appeal was made against someone in a position of power, it was likely that he had friends and therefore influence at the Audiencia (Haring, 1947:141). The Indian inhabitants of Tepetlaoztotz, for example, were mercilessly exploited by the encomendero, Gonzalo de Salazar. He took their lands, forced them to build him a textile mill, and forbade the Indians the use of the water supply of the town. The Indians stated later that even though they were aware of the possibility of legal action against Salazar, they were too afraid of him to try this option (Gibson, 1964:80). So although the courts were theoretically available to the Indians, becoming involved with the courts was dangerous. Indians who complained of mistreatment were often flogged, sent to the mines, or had their labour sold at auction. Zorita complained bitterly to Charles V of this situation and wrote: "I am aware that all these procedures conform to the law" (See Zorita, 1965:225-229).

The costs and risks of bringing cases to court for the Indian were high. The fears of direct or extra-legal reprisals were always present and the Indians well knew the reluctance of officials to rule against their Spanish counterparts. The Indians, however, did

make use of the courts. Zorita (1965:117) described the flood of litigation through which the Indians sought redress through the courts as the 'plague of lawsuits.' Litigation always favoured the clever and the unscrupulous (Borah, 1982:273). Zorita wrote to Charles V:

Had these people not been allowed to engage in their senseless lawsuits, they would not have ruined each other, the deaths of many would have been avoided, and they would not find themselves in their present sorry state. Far better had it been to make them go to their caciques and lords, who know the truth of what each man claims, than to listen to troublemakers who were incited by others. This would have avoided many offenses to Our Lord, false swearing, hatreds, enmities, ruin of towns and provinces, and great wickedness on the part of those who urge them on in order to rob them, all leading to confusion so great that a solution now appears hopeless (Zorita, 1965:118-119).

And even with all this legal action, the Indians usually received little redress for their grievances when they appealed to the courts. They had to resort to Spanish letrados, or lawyers, and other agents versed in Spanish procedure to present their cases in the form that Spanish law required. They had to pay fees and make gifts, and in the end their cases were usually found contrary to either reason or Christian doctrine. Zorita (1965:224) wrote to Charles V:

...they never obtain justice, for they drop the suit because they have run out of money or the encomenderos have bribed their leaders.

Zorita (1965:125-126) added to this letter what an Indian had told him:

...you don't understand us, and we don't understand you and don't know what you want. You have deprived us of our good order and system of government...The Indians have thrown themselves into litigation because you egged them on to it...But they never get what they want,

for you are the law and the judges and the parties to the suit, and decide matters as you please...When we were pagans, there were very few lawsuits, men told the truth, and cases were decided very quickly.

The Ideology of Legal Sanctions

The Spaniards, from the beginning of the contact with the New World, considered their own civilisation and its institutions superior to those of the Indian. They regarded themselves as the great civilisers, bringing order and justice to the barbarians. Three schools of thought emerged about the relation between the Spaniards and the Indians in the New World. One school led by Francisco de Vitoria,²⁰ held that the Indians had developed their own forms of government and institutions of law, and that the Spaniards were bound to uphold and defend these existing institutions and the rights of existing nobles and chiefs. A second school typified by the writings of Geronimo de Mendieta,²¹ held that the Spaniards and the Indians constituted two separate republics. Each was entitled to its own law and institutions. The Spaniards were so corrupt, Mendieta reasoned, the Indians should be kept as far from them as possible. The third view which was shared by Crown jurists and most of the colonists was that the Indians should be assimilated as quickly as possible into Spanish institutions. The real strength of this third position was that it was most consistent with a social organisation which served the economic interests of the Crown and the settlers. Most of the Crown jurists who manned the positions of colonial administration held this view (Borah, 1982:266-267). For those who held this view, it was useful to make the Indians appear to be

as barbarous as possible. By the 1550's chroniclers such as Cervantes de Salazar (See Keen, 1971:87) were denying that the Aztecs had even had courts of law.

But, the imposition of civilised Spanish law did little to ensure justice or good treatment for the Indians. Laws which attempted to do so were largely ignored in New Spain and the question of whether or not the Crown ever seriously intended that those laws should be enforced remains open. The humanitarian legislation of the Spanish Crown with regard to the Indians was largely ineffective and the Spaniards, whether encomendero or Monarch, showed themselves to be more concerned with a kind of legal formalism than the actual implementation of the spirit of the law. The concern seems to have been whether or not Spanish action could be made to appear to conform to the law not whether Spanish action actually fulfilled the intent of the law.

In the chapter on warfare in Conquest Mexico it was noted that Cortés continually attempted to present his actions in Mexico in terms of a sort of legal formalism which would be acceptable to the Crown. The Requerimiento, read to the Indians before they were warred against, was an attempt to justify this warfare on formal legal grounds. The Indians had been told what was required of them and warned that if they did not comply, they would be warred against. The formal requirements of the law were, therefore, satisfied. That the Indians did not usually understand even the language in which this decree was given, much less the problems associated with assuming sovereign power as a given fact, were largely ignored. It was the appearance of justice, not justice itself, that the law was

intended to convey.

The Monarchs in Spain had won for themselves considerable loyalty and support from the peasantry by presenting Crown authority as predictable, founded on law, the just protection of individual rights against the capricious rule of the feudal lord. And this support was not unwarranted. Monarchic centralisation had resulted in a considerable improvement in the condition of the peasantry (Tiryakian, 1979:17-18). In New Spain, although Crown policy with regard to the Indian fluctuated (Borah, 1982:267), the Crown intended to appear as the defender of the Indians against the exploitations of the encomenderos. As in Spain, therefore, the consolidation of centralised monarchical control was presented not as the seizure of power, but as a humanitarian act. The Monarch wished to be seen as the protector of the rights of the individual. and, as the Crown had done in Spain, enough concessions were made to aristocratic or encomendero interests to avoid an open rebellion. As has been noted, when the issuance of the New Laws stipulated the abolition of the encomienda provoked revolt in Peru and near revolt in Mexico, the Crown backed down. Consolidation of royal authority was a gradual process, carefully pursued - the erosion of feudal power rather than its seizure. This explains the almost continual series of legislation from the Crown which was practically unworkable in the New World. The Crown wished to be perceived as the defender of the Indians against the exploitation of the encomenderos. But royal control did not end that exploitation, simply reorganised it in a way which benefited the Crown.

Probably no one writing in the sixteenth century saw more clearly

the profound contradictions between the apparent humanitarian legislation of the Spanish monarchs and its effect in the New World than Alonso Zorita. Zorita was a judge himself and a bitter critic of the effects of the Spanish legal system in the New World. He wrote a long and detailed letter to Charles V in which he attempted to point out the contradictions inherent in Spanish legislation. Zorita stressed the great disparity between the law as written and the law in implementation. He steadfastly maintained that if the laws were but enforced, all would be well. But he himself acknowledged that in many cases the law could not be enforced. He pointed out, for example, that the Crown's stipulations regarding the amounts of Indian tribute were simply impossible to comply with. Zorita's observations support the case that His Majesty's law was not designed to be administered. The royal law was designed to legitimate rather than to control - it clouded economic exploitation in legitimacy.

Zorita wrote in his letter to Charles V:

We have a multitude of laws, judges, viceroys, governors, presidentes, oidores, corregidores, alcaldes mayors, a million lieutenants, and yet another million alguaciles...the more such men there are, the more enemies do the Indians haveFor the Spaniards care for one thing alone, and that is their advantage...

The wishes of Your Majesty and his Royal Council are well known and are made very plain in the laws that are issued every day in favor of the poor Indians and for their increase and preservation. But these laws are obeyed and not enforced witherfore there is no end to the destruction of the Indians, nor does anyone care what Your Majesty decrees...Indeed, the more laws and decrees are sent, the worse is the condition of the Indians by reason of the false and sophisticated interpretation that the Spanish officials give these laws, twisting their meaning to suit their own purposes...

where there is a plenty of doctors and medicines, there is a plenty of ill health. Just so, where there are many laws and judges, there is much injustice (Zorita, 1965:217).

While Zorita came close on many occasions to drawing the conclusion that the laws were unworkable, he never made in writing at least, the inevitable step of logic and said that the laws were never intended to be workable. Such questioning of royal intent would have been unthinkable and comparable to questioning the intent of the Pope. The Monarch was the divinely chosen representative of God, the 'vicar of God' on earth. ²²

Summary

Soon after the Conquest of Tenochtitlan, the Spaniards imposed in Mexico a system of legal ideas which was consistent with the economic structure they would impose there. The Aztec legal system although sophisticated in many ways and much admired by the Spaniards, was constructed to serve the needs of a dominant class operating within an ancient mode of production. This legal system, therefore, was practically obsolete within the context of a mercantile capitalist social formation. Concepts such as private property, individual ownership of land, contractual money agreements and labour as a commodity were integral to such a system, and had to be institutionalised within the law. Aztec law was, therefore, necessarily replaced by Spanish law which defined social and economic relationships in the interests of the new dominant class operating within a different form of economic organisation.

In the initial years of Spanish occupation, the Conquistador/colonists held immense power in New Spain. Even though their

conceptions of law were influenced to some extent by the current monarchic centralisation of law in Spain, an even greater influence was the medieval tradition which was a legacy of Spain's past. The Spanish in Mexico tended to regard the law as a matter of individual rights over the Indians under their charge, much like the rule of a feudal lord over his serfs. The Spanish Crown, however, was determined that feudal relations such as these were not to be allowed in the new territory. The Spanish Monarchs had eroded to a considerable extent in Spain the local power of the aristocracy and was opposed to the establishment of a similar aristocracy in New Spain. Since taking control of the law and the administration of justice had been one of the primary weapons the Crown had used in Spain to erode the power of the aristocracy, the administration of the law was crucially important to the Crown in Mexico.

But the economic imperatives of the time, i.e., getting precious metals out of the ground and back to Spain, limited the extent to which the Crown could champion the rights of the peasantry (the Indians) against the rights of the aristocracy (the encomenderos). First, the encomenderos were needed to organise labour in the New World and the Crown could not afford to completely alienate them. Second, the exploitation of Indian labour was necessary no matter who did it, to maximise profits. The Crown never showed itself to be prepared to sacrifice its economic interests in order to bring about humane conditions for the Indians.

During this period, therefore, the struggle about law and the administration of justice can most usefully be seen as a struggle to implant the legal concepts necessary for the maintenance of a

capitalist economic system against concepts more appropriate to an ancient and feudal system. The law served the interests of the dominant class by serving as the means of punishing Indians that did not comply with the Spanish system, confiscating lands of the Indians, and enforcing the payment of tribute to the Spaniards. Predictably in a system in which labour was of crucial importance, legal sanctions frequently involved sentences of labour.

CHAPTER X

CONCLUDING REMARKS

As Marx has noted, force itself is an economic power. In the preceding chapters I have discussed the ways in which force functioned as an economic power in Mexico immediately before and after the Spanish Conquest. The fundamental characteristics of the Aztec and Conquest social formations have been outlined in materialist terms and this has been followed by a discussion of the ways in which particular forms of organised violence functioned both to maintain a dominant class in a position of power in relation to subordinate classes, and to enforce a particular set of economic relations within the social formation which benefited this dominant class. At this point it is possible to make some general comments about organised violence in Aztec and Conquest Mexico and some speculative statements about the nature of organised violence within societies characterised by particular modes of economic organisation.

Since the most important task of the state is to secure and/or maintain the conditions of existence which make a particular mode of production possible, it is hardly surprising that the violence pursued by the state reflects the major problems inherent in either maintaining an existing mode of economic organisation or bringing about a new form of economic organisation. The state does not pursue particular forms of violence at random. There is a logic to the pursuit of specific violences by the state and that logic can be most clearly

understood by referring back to the mode of organisation and phase of development of the social formation under consideration. The economic organisation of society and the phase of development of that economic organisation broadly structures which will be crucial areas of concern for the state. It is in these crucial areas of concern that the state is most likely to resort to violence.

Within the Aztec social formation, a dominant class of non-producers used organised violence to maintain a set of economic relations whereby the surplus production of the labouring class (both inside and outside the city-state) was channeled to the use of this dominant class. Because of the level of development of the productive process, this tribute was primarily in the form of agricultural produce. The Aztec ruling class maintained itself in the position of surplus takers by ensuring that first, the Aztec group itself remained unified as a polity and second, by ensuring that this polity remained in a position of political domination over groups of direct producers. These two tasks consumed most of the state's energy and were the focus of most of the organised violence pursued by the state. Maintaining the Aztec polity as a polity and maintaining its dominant position with relation to groups of direct producers were, so to speak, the crucial battles of the state given the particular form of organisation of the social formation.

Maintaining the relations of domination over groups of direct producers outside the Aztec city-state largely depended on wars of conquest and intimidation. Being a part of the Aztec empire offered few advantages to outlying provinces. Membership in the empire brought with it little more than having Aztec officials appear periodically to collect tribute and the somewhat dubious assurance that the Aztecs

would defend their right to appropriate tribute by keeping other Indian groups from conquering their territories. In other words, being a part of the Aztec empire assured little more than actual exploitation by one group as opposed to the theoretical possibility of exploitation by another group. The Aztecs did not make any significant attempt to integrate peoples of the conquered provinces into the empire by offering them concrete benefits. They did not, for example, offer to institute their own rather sophisticated legal system within the provinces. Nor did they promise to redistribute any of the booty or tribute gained from the conquest of other territories. They did not even free conquered people from any existing tribal leadership unless this leadership was directly opposed to Aztec tribute demands. The only attempt the Aztecs seem to have made at ideological integration of conquered peoples was to take statues of their gods back to Tenochtitlan and include them in the Aztec pantheon. Aztec domination, then, offered few material benefits and engendered little ideological identification. The Aztecs held no monopoly on land so they could not bargain for tribute in return for allowing producers access to land. The Aztecs then, primarily used the stick rather than the carrot to expand their empire. It will be remembered that when the Aztecs sent out negotiators to discuss tribute demands with targeted groups, they did not attempt to stress the advantages of Aztec domination. Instead they stressed the horrors that would result as a consequence of opposing Aztec domination. Warfare, therefore, was the primary form of organised violence which helped to maintain domination over surrounding groups of direct producers, the predominant mechanism for securing access to surplus production. But warfare was also an important mechanism for ensuring that this appropriation continued.

Warfare functioned to decrease the chances of rebellion in provinces already conquered. The violence of warfare functioned to intimidate other groups by stressing and reaffirming the reputation of power, might, and ruthlessness of the Aztec state. The position of the Aztec ruling class as surplus takers depended on maintaining their fragile position at the apex of the hierarchy of power in Mexico and intimidation was of primary importance to the overall strategy of domination. Success in warfare was crucial, but so too was the appearance of ferocity in warfare which acted as a warning by demonstrating the cost of entering into warfare against the Aztecs. The successful demonstration of strength through success in warfare was crucial, but every war presented the possibility of failure. In this competitive environment where there was no substantial difference between the Aztecs and surrounding Indian groups in terms of technology of warfare or numbers of warriors, one failure could spell the disintegration of the empire. If one Indian group defeated the Aztecs, others would be more likely to attempt subsequent rebellions. Nowhere is the fragility of the hold the Aztecs had over their empire more clearly demonstrated than in the series of events that occurred after the Spanish came to Mexico. Outlying groups had no great loyalty to the Aztecs who they saw primarily as exploiters and they were quick to ally themselves with the Spaniards. Moctezuma witnessed the series of defections of his provinces as the Spaniards marched across Mexico toward Tenochtitlan. Moctezuma was reluctant to fight the Spaniards most probably because he surmised that he might well lose and that the loss of this battle, given the Spanish gains with other Indian groups, might well break the hold of intimidation with which the Aztecs had held their empire together. But even the Aztec

reluctance to confront the Spaniards in battle was taken as a sign of weakness that helped to foster rebellion among the provinces. When Cortes imprisoned Aztec emissaries with impunity and when Moctezuma made a crucial gesture of deference by offering tribute to the Spaniards, a great deal of the ideological work the Aztecs had done to create a climate of intimidation in the region disintegrated. Any failure, any weakness was an open invitation to rebellion.

Before the Spanish arrived, the Aztecs had created an intimidating public image. The central valley had been host to the rise and fall of numerous dominant groups and the Aztecs were but the latest. The Aztecs themselves had won dominance by conquering their former mentors and any weakness on their part could prompt a take-over of the region by another ambitious group. Keeping the peoples of surrounding Indian groups in a state of fear was crucial to the strategy of empire. Often, because of this intimidating image, the Aztecs did not even have to fight a war to gain tribute agreements with other Indian groups. Targeted peoples just agreed to Aztec domination rather than submit themselves to the consequences of opposing the Aztecs. The gruesome and public sacrificing of captives taken in war was one form of violence which served to feed this public image of ferocity. It, like warfare, acted as a warning to other groups of the cost of opposing the Aztecs. It not only served to help them avoid battles, it gave them a kind of psychological advantage when they did fight. Bernal Diaz, it will be remembered, commented on the fear he experienced when going into battle with the Aztecs after he had seen the sacrifice of Spaniards. The rulers of surrounding Indian groups were commanded to watch ceremonies of human sacrifice and the highly ceremonial and public nature of this violence worked as an effective form

of state propaganda.

Within the city-state the mechanisms of domination were less crude. There was, so to speak, the offering of a bit of carrot backed up by the stick. It is always more effective to secure the domination of men through 'the chains of their own ideas,' that is by convincing them to behave in ways consistent with the interests of some dominant group without employing constant coercion. The Aztec ruling class built on the shared common history of struggle of the Aztec people and their shared set of religious ideas to bind the group together behind empire policy. The ideology of empire constructed by the ruling class essentially placed the Aztec people at the centre of the cosmos. By being part of the group, individuals were members of a chosen people who kept human existence going by keeping the sun in motion. The people within the city-state were also offered material rewards for being part of the dominant polity. During the period when the military meritocracy existed, any man could rise within the social structure and gain wealth through military distinction. There were also periodic redistributions of some of the booty of wars, and in times of famine the state opened grain stores to keep the people from depopulating the cities. The state had developed more complicated and sophisticated forms of domination within the city-state partly because without the support of its own citizens the polity could not survive.

The Aztec ruling class also devised a sophisticated set of laws and court procedure which required the population to refer to established authority for settling all major disputes. This legal system also offered a more orderly existence within the city-state, and ensured that all expressions of violence would be directed by the state. Through the legal system the Aztec ruling class maintained its

dominance over its own labouring class and also integrated that labouring class into the polity. But even within the city-state the reaction to all challenges to authority were swift and harsh. The Aztec ruling class attempted to bind their own population by the chains of their ideas, but when this was not effective, the response was violent. Crime represented a defiance of established authority and the penalties for most offenses were both harsh and public. These sanctions were not designed merely to punish the offender, they were as well an exercise of political power. The harsh response to any defiance of established authority served to make a statement about the power of the state. Punishments were intended not merely to redress an imbalance but to reinstate the force of authority of the Aztec state.

Just as the organisation of the social formation structured the focus of violence, it also to some extent tempered the nature of that violence. Direct producers still held the means of production and the violence of the Aztec state had to be continually balanced off against the disadvantages of the disruption of production and the likelihood of generating future rebellions. Given the level of development of this social formation, productive potential once destroyed could not easily be regenerated. The Aztec state was attempting to maintain control within a long-term strategy of domination, not merely within a short-term plan for the taking of booty from conquered provinces. This is one of the reasons the Aztec state attempted to avoid warfare if tribute agreements could be made without it, and when wars were fought to minimise the destruction and violence. Aztec warfare, then, was an integral part of the complex strategy of empire which while serving to maintain dominance, if pursued too far

could spell the eventual collapse of the polity. Likewise, there was a limit on how violently the practice of human sacrifice could be pursued. There are indications that by the time of the Spanish Conquest it had reached such proportions it was becoming dysfunctional. Outside the city-state it was provoking complaints from the conquered territories. Inside it was generalising into a kind of frenzy through the growth of such practices as auto-sacrifice.

What we have then is a picture of a state pursuing various forms of organised violence which served either directly or indirectly to maintain the continued existence of the particular mode of production on which it depended. The focus of this violence was broadly structured by the primary tasks of the state given the mode of organisation of the social formation, i.e., the need to maintain the polity as a polity and the need to maintain dominance over direct producers. In addition, the extent to which this violence could effectively be pursued was also constrained by the organisation of the social formation, i.e., the existence of unified tribal groups still on their own lands, the lack of a state monopoly of land, the likelihood of rebellions, and the need to maintain the allegiance of citizens. The priorities of state intervention within the structure of the social formation were, therefore, primarily within the political level. Relatively little state violence was directed toward the labour process itself since this mode of production did not depend on such factors as the separation of the labourer from the means of production or on the development of a labour process based on more complex forms of cooperation. The labour process existing within conquered territories was adequate to meet the needs of a social formation characterised by the ancient mode of production. Forced labour, therefore, in the

conventionally understood sense of that term, placed only a minor role in the Aztec economic system. Drafts of forced labourers were rarely used in the production process itself. The primary support for the Aztec ruling class was the surplus production of direct producers who still held the means of production.

If forced labour is considered in a wider sense, i.e., any involuntary labour then all labour which went toward the production of produce given over to the Aztec state in tribute could be considered forced labour. But this form of the labour process was not extremely violent. There were limits to how violent the exploitation of direct producers still on their own land could be. The Aztec state depended on the continued production of the direct producers and had an investment in not taking so much from them in tribute that they starved. And, since the Aztecs rarely left a military presence in the areas they conquered, it was not practical to exploit these groups to such an extent that the producers were provoked into rebellion. The Aztec state, therefore, constantly attempted to extract as much surplus as possible without either devastating conquered regions or provoking rebellions. The more complex labour forms (drafts of forced labour and slaves for example) developed only in specified areas and were almost exclusively maintained by the direct intervention of the state. Even in the case of slavery, it was rare for slaves to be used directly in the production process. Most slaves were held by individuals to provide personal services and there were strict rules regarding the treatment and the rights of slaves. The drafts of forced labourers were used primarily to work in the construction of ceremonial buildings. They were the most violently exploited group of labourers, but they formed only a small part of the total labouring population.

The Aztec state was not investing its energies in changing the existing labour form of the peoples in the outlying provinces, merely in maintaining the domination which allowed them to siphon off the top layer of surplus produced by means of the existing labour forms.

Once the Spaniards intervened in Mexico the socio-economic structure changed radically and with it the focus of organised violence. After the Conquest, Mexico no longer composed an insulated world system, responding only to its own internal dynamics. It became instead part of the interlocking division of labour within the nascent capitalist economic world system in western Europe. The most crucial battles or tasks of the Spanish state at this time then were very different from those that faced the Aztec state. There are two important factors to consider in attempting to understand the priorities of the Spanish state at this time: the particular phase of capitalist development that existed and the position of Mexico in the periphery of that capitalist development.

The sixteenth century was a period which led up to the establishment of capitalism in western Europe, not an age in which capitalist relations had completely taken hold in all levels of the social formation. It was a period in which the absolutist state in western Europe was attempting to secure the conditions necessary for the eventual rise of capitalism. One of the most important elements necessary for this rise and eventual triumph was the accumulation of capital. This accumulation, for the various reasons mentioned in Chapter VII, focused largely on the discovery of precious metals. Precious metal discovery was the quickest and easiest form of capital accumulation at the time. Atlantic expansion itself was largely motivated by the search for precious metals. One of the most important

tasks of the state then was enhancing and/or securing conditions which made capital accumulation in the form of precious metals possible. Most of the violence pursued or condoned by the Spanish state and its representatives was focused on this endeavour. The warfare conducted by the Conquistadores in the name of the Spanish state was intended to secure precious metals. The Conquistadores thought they could seize great quantities of gold from the Aztecs. But because the wealth in precious metals that was directly seizable was not great, energy was then focused into the mining of precious metals. The Conquistadores were representatives of the Spanish state, but they were also private entrepreneurs. It is in fact characteristic of this phase of capitalist development that private enterprise and state enterprise work together. In such cases, the state does not have to directly organise violence but merely to condone violence which is to its advantage. Because of the importance of precious metals within this phase of development of western European capitalism, the discovery of precious metal deposits in Mexico all but ensured that Mexico's role within the interlocking division of labour would be one of precious metal production and that much of the organised violence pursued or condoned by the state would be focused to this end.

In Spain, the state was implementing other policies which would eventually pave the way for the rise of capitalism. In the centre, the state's energy was focused on undermining the power of the feudal aristocracy, freeing the peasants from the land, and creating a situation where labour could be turned into a commodity for sale on a market. But while the state was pursuing these policies in the centre, the task in the periphery was very different. The securing of precious metals was the most important concern in Mexico and all

other considerations became secondary. As we have noted, the growing dependence of the Spanish economy on precious metals from the New World influenced many of the state's policy decisions.

The state was faced with a dilemma in this situation and the effect of this dilemma and the way it was responded to had the effect of accentuating the violence of endeavour in Mexico. Faced with the need to erode individualistic aristocratic power in the centre and to free labour from its control, in the periphery this proved an almost impossible task. Semi-feudal labour forms seemed at least for a while the only way to secure precious metals in the New World. The Spanish state tried to dictate a situation in which labour was sold on the market to buyers and thereby kept out of the control of individual Spaniards. But the Indian population (as the Spanish state found out) was ill-prepared to adapt to labour forms needed within a capitalist productive process. Direct producers still had access to the land and there was no compelling reason for them to sell their labour on the market. This was especially the case since Indians could not support themselves on the meagre wages offered by the Spaniards, there was nothing for them to buy with these scanty wages, and they had no great inclination to want what products were available. Since there was no monopoly of land by the Spaniards, the Indians could also leave the area. There had to be some mechanism to make Indians work in mining and support activities and the *encomienda*, a kind of semi-feudal organisation of labour seemed for a while the only way to bring this about.

While forced labour, therefore, played only a minor role in the Aztec economic system, forced labour was one of the primary forms of labour organisation in the Spanish colonial economy. Many Indians

were taken and branded as slaves after the Conquest. These slaves were used in mining and agriculture and had none of the rights guaranteed to slaves under the Indian system. Other Indians were assigned much like feudal serfs to individual encomenderos to whom they owed tributes and labour services. The eventual take-over by the Crown of labour organisation in Mexico under the repartimiento system made little practical difference to the exploitation of the Indians. The corregidores, though salaried royal officials, exploited Indian labour as ruthlessly as did the encomenderos. The economic demands of the period which made precious metals so valuable largely ensured that the labour of the Indian population would be exploited with little concern for their wellbeing, in order to maximise profits. The real struggle over labour organisation in New Spain was to be over who - the Crown or the encomenderos - would control the labour process and who would reap the greatest profits.

Capitalism introduced a new way of thinking about labour which was very different from the way in which labour had been conceived of in the ancient system. The Spanish came to Mexico in search of precious metals, a commodity and commodity relations, exchange values, were such that people themselves became looked upon as commodities - merely factors in the labour process. The Indians under the Spanish system became expendable commodities to be used in the production process with little concern for their reproduction. Profits were maximised by working the Indians ruthlessly, often to death. In the initial years of Spanish occupation, when the Spanish encomendero class largely controlled labour organisation, there appeared to be an inexhaustible supply of Indian labour. Dead labourers could always be replaced with others. In addition, the Crown's constant threats to

abolish the encomienda system and therefore the encomendero's direct access to Indian labour only increased the violence of Indian exploitation. The encomenderos, fearing an end to the profits to be gained through the exploitation of Indian labour, only intensified exploitation in order to get as much use out of the Indians as they could.

The Indian, then, became merely one calculation in the profit equation. The cheaper the labour, the more profits were to be gained. Since there seemed to be an unlimited supply of labour the Indians were disposable in the labour process. There was no need to protect the lives of the labourers as was the case within the Aztec system and is the case even in some forms of slavery. The master of a slave often has an investment in preserving the slave's labour power since the master expends money on the upkeep of the slave. The Spanish, however, had no such investment. The Indians were forced to bring their own food to the mines and required to support themselves in the interval when they were not working. Literally working the Indians to death and then replacing them was the most economically sound form of proceeding. Obviously there were those who objected to the harsh treatment of the Indians. Some of them, like Bartolome de las Casas, even pointed out that the exploitation of the Indians was fundamentally connected with the mode of economic exploitation of the region. But these people were silenced in one way or another because of the economic demands of the time. The attitude of the Spanish state seemed to be that if the Indians could be treated humanely and profits still maximised, so much the better. But this was not the case and the Spanish Crown relented time after time when this became apparent.

The change in focus of state violence can also be seen in the punishments and laws of the Spanish legal system. The law functioned

to take land away from the Indians, separate them from the means of production, and relegate them to forced labour in the mines. The Spanish legal system was openly and grossly corrupt. The Spaniards had little investment in integrating the Indian labouring class into a dominant polity, in binding them by the chains of their ideas. The punishments meted out by the Spanish legal system were predictably concerned more with ensuring a labour supply in the territory than with any symbolic statement about the power of the dominant group. In the early years of colonial occupation, the law tended to be the will of the individual encomendero - essentially a conception of law characteristic of Spain's feudal past. The Spanish Crown, however, had eroded the power of its own aristocracy in Spain through securing certain rights to the peasantry through Crown law. Royal justice was seen as more consistent and fair than the often capricious whims of the feudal lord. It is not surprising, therefore, that the Crown would attempt to wrest control away from the encomenderos through law and the administration of justice. But the ability of the Crown during this period to champion the rights of the Indians against the encomenderos and still reap the economic benefits of exploiting Indian labour made any attempt to ensure their rights as individuals largely superficial. While Crown legislation appeared to be advocating humane treatment for the Indians, this humane treatment was never economically practical and never therefore actually implemented.

In conclusion, it can be said that the focus and nature of organised violence in these two particular social formations can be seen to relate to fundamental economic organisation. The change in economic organisation after the Conquest and the subsequent change in the focus and nature of organised violence supports the theory

that the organisation of the social formation broadly structures the focus and nature of organised violence pursued by the state. Obviously further research is necessary to establish whether or not organised violence relates in the same way to the economic structure within other social formations, and how political and social factors intervene to mould the shape of organised violence. On the basis of this research, however, one would expect to find that in systems characterised by the ancient mode of production state violence will be designed to maintain the polity and to maintain a position of domination with relation to some group of direct producers. The state will develop a rather sophisticated and complicated ideology of domination and a fairly refined legal system in which punishments will be harsh and public. Within societies characterised by the beginning phases of capital accumulation state violence in the periphery especially will be focused on changing the labour process. The legal system will play a less important role in terms of its integrative function and will reflect the concern to change the labour process by using mechanisms to separate the direct producers from the means of production and punishing many offenses by sentences of labour.

FOOTNOTES

- ¹ For scholars who have merely described the organised violence of the Aztec and Conquest periods, see Acosta, Aguilar, Chavero, Clavigero, Gómara, Cortés, Díaz, Sahagun, Las Casas, Duran, Mendieta, Sepúlveda and Zorita. Or, see more contemporary scholars such as Caso, Ceballos Novelo, Davies, Helps, Parry, Payne, Peterson, Prescott, Thompson, Soustelle, Vaillant, White, and Elliott. For those who have offered explanations for particular violences see Payne, Séjourné, Helms, Sanders and Price, and White. Other writers are concerned with particular aspects of Aztec and Conquest Mexico such as laws and judicial institutions (Alba, Altamira, Beneyto Pérez, Borah, Caranca'y Trujillo, Toscano, Floris Margadant S., Vance, Hanke, Kagan), religion (Séjourné, Spence), labour forms (Bosch García, González Torres, Simpson), warfare (Bandelier), economy (Braudel, Castillo, Chapman, Cipolla, Coornaert, Darby, Frank, Glamann, Heaton, Knight, Larraz, Nussbaum, Stein and Stein, Vicens Vives), land (Chevalier, McBride), population (Cook and Borah), precious metals (Del Mar, Hamilton, Jacob, Peterson, Vilar).
- ² Hindess and Hirst, in a subsequent work (1977) rejected several of the fundamental concepts on which their analysis of pre-capitalist social formations in the 1975 work was based. They rejected, for example, the concepts of the determining role of the economic, and the primacy of the relations over the forces of production. Their rationale for rejecting these concepts is highly complicated, and discussed fully in the 1977 work. It is not appropriate here to take on the intricacies of this debate, and Hindess and Hirst's elaboration of the characteristics of pre-capitalist modes of production, developed in the earlier work (1975) is still extremely useful for those who have not rejected fundamental materialist concepts.
- ³ It should be noted that the discussion of the economic context of state violence in Aztec Mexico differs somewhat from the same discussion for Conquest Mexico. This difference results from the fact that the information available about the Aztec economy is not nearly so technical and detailed as is that pertaining to Conquest Mexico, and the discussion reflects in part this nature of the available data.
- ⁴ Slash and burn cultivation entailed the cutting of several acres of woodland or forest, allowing the debris to dry, burning it, and then planting. The plot of land was abandoned after a period of years, depending on the quality of the soil, and the bush

cover allowed to regrow. Another plot of land was then cleared and planted in the same manner. The process could begin again on the first plot after a period of years. This form of cultivation is obviously extensive, that is, it requires large areas of land to operate effectively (See Helms, 1975:31).

- 5 The Florentine Codex was written in Nahuatl, the Aztec language, by the Indian students of Fray Bernadino de Sahagun, originally completed around 1555, the Florentine Codex was based on the reminiscences of natives who had been alive during the Spanish Conquest (See León-Portilla, 1962:155).
- 6 Two-field cultivation involves the planting of one field while another is left to fallow one or two years until it becomes fertile again.
- 7 The spellings of various Nahuatl words appear differently in different chronicles.
- 8 The Codex Ramirez is an Indian account in picture writing of the history of the Aztecs.
- 9 Fray Bernardino de Sahagun was a Franciscan friar who in 1557 began compiling his Historia de las Cosas de la Nueva Espana. This work which was a veritable encyclopedia of Mexican culture based on the responses of Indian informants to questions formulated by Sahagun. Keen (1971:114) called it "the supreme achievement of the Franciscan ethnographic school."
- 10 The way in which law should be perceived in relation to the state and in relation to the social formation is a matter of much controversy within Marxism (See for example Jessop, 1980) and many of the contemporary approaches to the study of law within Marxism have been concerned to escape the economic determinism felt to be inherent in more traditional approaches. While these debates are important, a detailed discussion of them is beyond the scope of this study. And, as Cain and Hunt (1979: xiii) note, many of Marx' and Engels' comments on and discussions of the law are not "capable of an economic determinist reading." The economic does not determine the precise form of the legal system or the violence of legal sanctions. The economic does, however, broadly structure an array of conditions within which the legal system functions.
- 11 Durkheim argues a similar point in Two Laws of Penal Evolution.
- 12 There is a great deal of controversy over just how and why this economic contraction came about. There is even some argument about whether or not such a decline occurred at all, and one's position depends largely on the selection of measures of depression and recession, and the generality or specificity of one's consideration. As Miskimin (1964:470) summarises, one group of historians uses declining trade figures and population,

falling levels of domestic capital and industry to support a period of recession. Another group, point to rising English cloth exports, increased production of Italian silk and improvements in housing to argue for a generalised prosperity (See Cipolla, 1964; Dobb, 1963, 1976; Kosminsky, 1956; López, 1962; Pirenne, 1936; Vilar, 1976). These arguments are, however, peripheral to the focus of this study. It will suffice for our purposes to give a general description of what happened.

- 13 There is some disagreement on this point. Wallerstein (1974:42-44) for example, argues that other factors such as food were more important than the desire for gold in motivating expansion. It is impossible to state categorically whether Europeans primarily sought food, gold, or feul - they sought all. The concentration here on gold involves its centrality to the process of capital accumulation, its eventual discovery in Mexico and the part it was to play in the violence that occurred there, and its power in influencing individuals to explore the uncharted lands.
- 14 The spellings of different Nahuatl words appear differently in different chronicles.
- 15 The chronicler Fernando de Alva Ixtlilxóchitl was a descendant of the last king of Texcoco and his major work, Historia Chichimeca, was based on pre-conquest codices.
- 16 Capitulaciones were contractual agreements between a conqueror and the Crown in which the rights of the Crown were specified while ensuring the leader of the expedition a share of the spoils of conquest. The bargain struck between the two depended in large part on the degree to which Crown financing was involved. The more the Crown had invested in the expedition, the fewer rights it was called upon to bargain away in order to have the expedition carried out. (See Elliott, 1978:59).
- 17 Alonso de Zorita was both a Spanish lawyer and a royal official. His Breve y Sumaria Relación de los Señores de la Nueva España, was written between 1566 and 1570 in response to a royal order which requested information on Indian and tribute problems.
- 18 Fray Toribio de Benavente Motolinía was one of the original twelve Franciscan missionaries who landed in New Spain in 1524. His major published work, Historia de los indios de la Nueva España, was written in 1541.
- 19 The meaning of living "in liberty" was that the Indians, like the Castilian peasantry, were to be allowed to dispose of their labour as they chose.
- 20 Francisco de Vitoria was a Dominican theologian, influential in Spanish academic court circles.

- 21 Gerónimo de Mendieta, a Franciscan friar, came to New Spain in 1554 and began his Historia Eclesiástica Indiana in 1573.
- 22 The Partidas, a multi-volume work which defined the legal principles of royal authority prepared in the middle of the thirteenth century, defined the king as "vicar of God" (See Tiryakian, 1979: 10).

BIBLIOGRAPHY

- Acosta, Iosephus. Mexican Antiquities Gathered Out of the Writings of Iosephus Acosta: The History of the Mexican Nation Described in Pictures by the Mexican Author. Translated into Spanish then English." Reproduced in His Pilgrimes in Five Books. Book 5: Voyages and Travels to and in the New World Called America by Sanuel Purchas. London: William Stansby, 1625, pp. 1066-1117.
- Aguilar, Francisco de. Relación breve de la Conquista de la Nueva España. Parts reproduced in The Conquistadors edited and translated by Patricia de Fuentes. London: Cassell & Company, Ltd., 1964.
- Alba, Carlos H. Estudio Comparado Entre el Derecho Azteca y el Derecho Positivo Mexicano. Mexico: Institute Indigenista Interamericano, 1949.
- Altamira, Rafael. "El Texto de las Leyes de Burgos de 1512." Revista de Historia de Americana, 1938, No. 4, pp. 5-79.
- Althusser, Louis and Etienne Balibar. Reading Capital. London: New Left Books, 1975.
- Anderson, Perry. Passages From Antiquity to Feudalism. London: New Left Books, 1974a.
- Anderson, Perry. Lineages of the Absolutist State. London: Humanities Press, 1974b.
- Bandelier, Adolf F. "On the Art of War and Mode of Warfare of the Ancient Mexicans." Tenth Annual Report of the Peabody Museum of American Archaeology and Ethnology, 1877, 2, pp. 95-161.
- Beneyto Perez, Juan. "The Science of Law in the Spain of the Catholic Kings." In Spain in the Fifteenth Century, 1369-1516 edited by Roger Highfield. London: McMillan Press, 1972, pp. 271-295.
- Bernard, Jacques. "Trade and Finance in the Middle Ages, 900-1500." In The Fontana Economic History of Europe edited by Carlo M. Cipolla. London: Fontana, 1971.
- Borah, Woodrow. "The Spanish and Indian Law: New Spain." In The Inca and Aztec States 1400-1800 edited by George A. Collier. New York: Academic Press, 1982, pp. 265-288.

- Bosch-García, Carlos. La Esclavitud Prehispanica Entre los Aztecas. Mexico: El Colegio de Mexico, 1944.
- Bottomore, T. B. and Maximilien Rubel (Eds) Karl Marx: Selected Writings in Sociology and Social Philosophy. Middlesex: Penguin Books, 1979.
- Boxer, C. R. Four Centuries of Portuguese Expansion, 1415-1825. Joannesburg: Witswatersrand University Press, 1963.
- Boxer, C. R. The Portuguese Seaborne Empire, 1415-1825. New York: Knopf, 1969.
- Brandenburg, Frank. The Making of Modern Mexico. Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1964.
- Braudel, Fernand. "Qu 'est-ce que le xvie sie'cle?" Annales E.S. C., VIII, 1, janv-mars, 1953, pp. 69-73. Cited in The Modern World System edited by Immanuel Wallerstein. New York and London: Academic Press, 1974.
- Braudel, Fernand and Frank C. Spooner. "Princes in Europe from 1450 to 1750." In the Cambridge Economic History of Europe, Vol IV, The Economy of Expanding Europe in the Sixteenth and Seventeenth Centuries edited by E.E. Rich and C. H. Wilson. Cambridge: Cambridge University Press, 1967, pp. 374-486.
- Cain, Maureen and Alan Hunt. Marx and Engels on Law. London: Academic Press, 1979.
- Carranca y Trujillo, Raúl. "La Organización Social de los Antiguos Mexicanos Segun sus Legislaciones Propias." Criminalia, 1965, XXXI, No. 8, pp. 420-439.
- Caso, Alfonso. The Aztecs, People of the Sun. Translated by Lowell Dunham. Norman: University of Oklahoma Press, 1958.
- Castillo, Andres Villegas. Spanish Mercantilism. New York Ad. Press Ltd., 1930.
- Castro, Americo. The Structure of Spanish History. Translated by Edmund L. King. Princeton, New Jersey: Princeton University Press, 1954.
- Ceballos Novelo, Roque J. Las Instituciones Aztecas: Su Origen, Character, y Evolucion. Mexico: Talleres Graficos de la Nacion, 1937.
- Chapman, Anne C. "Port of Trade Enclaves in Aztec and Maya Civilizations." In Trade and Market in Early Empires: Economics in History and Theory edited by Karl Polanyi, Conrad M. Arensberg and Harry W. Pearson. New York: The Free Press, 1957, pp. 114-153.

- Chavero, Alfredo. Historia Antigua y de la Conquista. Mexico: 1886.
Cited in The Aztec Image in Western Thought by Benjamin Keen.
New Brunswick, New Jersey: Rutgers University Press, 1971.
- Chavez Orozco, Luis. Historia de Mexico: Epoca Precortesiana.
Mexico: 1934.
- Chevalier, Francois. Land and Society in Colonial Mexico. Berkeley
and Los Angeles: University of California Press, 1963.
- Cipolla, Carlo M., Robert S. Lopez and Henry A. Miskimin. "Economic
Depression of the Renaissance." The Economic History Review,
Second Series, 1964, 16, pp. 519-529.
- Clavigero, Francisco Saverio. History of Mexico. Translated by
Charles Cullen. 2 Vols. London: 1787. Quoted in The Gods of
Mexico by Lewis Spence. London: T. Fisher Unwin, Ltd., 1923.
- Collier, George A., Renato I. Rosaldo and John Wirth (Eds). The
Inca and Aztec States: 1400-1800. New York and London: Aca-
demic Press, 1982.
- Cook, M. A. (Ed). Studies in the Economic History of the Middle
East From the Rise of Islam to the Present Day. London:
Oxford University Press, 1970.
- Coornaert, E. L. J. "European Economic Institutions and the New
World: The Chartered Companies." In the Cambridge Economic
History of Europe, Vol IV. The Economy of Expanding Europe
in the Sixteenth and Seventeenth Centuries edited by E. E.
Rich and C. H. Wilson. Cambridge: Cambridge University Press,
1967, pp. 220-273.
- Cortes, Hernan. Letters from Mexico. Edited and Translated by A.
R. Pagden. New York: Grossman, 1971.
- Cortes, Hernan. Letters from Mexico. Translated and Edited by A.
R. Pagden with an Introduction by J. H. Elliott. London:
Oxford University Press, 1972.
- Cox, Oliver. The Foundations of Capitalism. New York: Philosophi-
cal Library, 1959.
- Darby, H. C. "The Face of Europe on the Eve of the Great Discoveries."
In the New Cambridge Modern History: The Renaissance, 1493-1520
edited by G. R. Potter. Cambridge: Cambridge University Press,
1957, pp. 20-49.
- Davies, Nigel. The Aztecs: A History. Suffolk: The Chaucer Press,
Ltd., 1973.
- Del Mar, Alexander. A History of Precious Metals. New York:
Augustus M. Kelley Publishers, 1969.

- Díaz, Bernal. The Conquest of New Spain. Translated by J. M. Cohen. Middlesex: Penguin Books, 1963.
- Dibble, Charles E. and Arthur J. O. Anderson (Eds). Florentine Codex: General History of the Things of New Spain. Salt Lake City, Utah: University of Utah, 1961.
- Diffie, Bailey W. and George D. Winus. Foundations of the Portuguese Empire, 1415-1580. Minneapolis: University of Minnesota Press, 1977.
- Dobb, Maurice. Studies in the Development of Capitalism. London: Routledge and Kegan Paul, 1963.
- Dobb, Maurice. Studies in the Development of Capitalism. London: Routledge Paperbacks, 1972.
- Dobb, Maurice, Paul Sweezy and Kohachire Takahashi, et. al. The Transition from Feudalism to Capitalism. London: New Left Books, 1976.
- Durán, Fray Diego. The Aztecs: The History of the Indies of New Spain. New York: Orion Press, 1964.
- Durkheim, Emile. The Division of Labor in Society. Glencoe, Illinois: The Free Press of Glencoe, 1933.
- Elliott, J. H. The Revolt of the Catalans. Cambridge: University Press, 1963.
- Elliott, J. H. "Cortés, Velázquez and Charles V." Introduction to Letters from Mexico by Hernan Cortés. Translated and edited by A. R. Pagden. London: Oxford University Press, 1972.
- Elliott, J. H. Imperial Spain: 1469-1716. Middlesex, England: Penguin Books, Ltd., 1978.
- Engels, Frederick. The Origins of the Family, Private Property and the State. Chicago: Charles H. Kerr & Company, 1902.
- Engels, Frederick. The Origins of the Family, Private Property and the State. London: Lawrence and Wishart, Ltd., Marxist-Leninist Library Edition, 1942.
- Engels, Frederick. The Peasant War in Germany. Moscow: Foreign Languages Publishing House, 1956.
- Fernández-Armesto, Felipe. Ferdinand and Isabella. London: Weidenfeld and Nicolson, 1975.
- Ferguson, Wallace K. Europe in Transition: 1300-1520. Boston: Houghton Mifflin Company, 1962.

- Floris Margadant S., Guillermo. Introducción a la Historia del Derecho Mexicano. Mexico: Editorial Esfinge, S.A., 1978.
- Foucault, Michel. Discipline and Punish. Middlesex: Penguin Books, 1979.
- Frank, Andre Gunder. Dependent Accumulation and Underdevelopment. London: MacMillan Press, Ltd., 1978a.
- Frank, Andre Gunder. World Accumulation: 1492-1789. New York and London: Monthly Review Press, 1978b.
- Gandy, D. Ros's. Marx and History: From Primitive Society to the Communist Future. Austin and London: University of Texas Press, 1979.
- Gibson, Charles. Tlaxcala in the Sixteenth Century. New Haven: Yale University Press, 1952.
- Gibson, Charles. The Aztecs Under Spanish Rule. Stanford, California: Stanford University Press, 1964.
- Gibson, Charles. Spain in America. New York: Harper and Row, 1966.
- Gibson, Charles. The Spanish Tradition in America. New York: Harper and Row Publishers, 1968.
- Glamann, Kristoff. "European Trade 1500-1750." In the Fontana Economic History of Europe: The Sixteenth and Seventeenth Centuries edited by Carlo M. Cipolla. Glasgow: Fontana Books, 1978.
- Gomara, Francisco López de. Cortés: The Life of the Conqueror by His Secretary. Translated and edited by Lesley Byrd Simpson. Berkeley and Los Angeles: University of California Press, 1964.
- Gongora, Mario. Studies in the Colonial History of Spanish America. Translated by Richard Southern. Cambridge: Cambridge University Press, 1975.
- González Torres, Yolotl. "La Esclavitud entre los Mexica." In Estratificación Social en la Mesoamérica Prehispánica edited by Pedro Carrasco and Jonanna Broda. Mexico: Instituto Nacional de Antropología e Historia, 1976.
- Hale, J. R. Renaissance Europe: 1480-1520. London: William Collins & Company, Ltd., 1971.
- Hamilton, E. J. American Treasure and the Price Revolution in Spain, 1501-1650. Cambridge Massachusetts: Harvard University Press, 1934.

- Hanke, Lewis. "Free Speech in Sixteenth Century Spanish America." The Hispanic American Historical Review. 1946, 26, pp. 135-149.
- Hanke, Lewis. The Spanish Struggle for Justice in the Conquest of America. Philadelphia: University of Pennsylvania Press, 1949.
- Hanke, Lewis. Aristotle and the American Indians. London: Hollis & Carter, 1959.
- Hanke, Lewis. All Mankind is One. London: Poole, Freide and Keen, 1974.
- Haring, C. H. The Spanish Empire in America. New York: Oxford University Press, 1947.
- Hay, Douglas, Peter Linebaugh, John G. Rule, E. P. Thomson and Cal Winslow. Albion's Fatal Tree. Middlesex, England: Penguin Books, 1977.
- Heaton, Herbert. Economic History of Europe. London: Harper & Row, 1948.
- Heckscher, Eli F. Mercantilism. London: George Allen & Unwin Company, Second Edition, 1955.
- Helms, Mary W. Middle America: A Culture History of Heartland and Frontiers. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1975.
- Helps, Sir Arthur. The Spanish Conquest in America. London and New York: John Lane, 1900.
- Hindess, Barry and Paul Q. Hirst. Pre-capitalist Modes of Production. London and Boston: Routledge and Kegan Paul, 1975.
- Hindess, Barry and Paul Q. Hirst. Mode of Production and Social Formation: An Auto-Critique of Pre-Capitalist Modes of Production. London: The MacMillan Press, Ltd., 1977.
- Hobsbawm, E. J. "Introduction" to Pre-Capitalist Economic Formations by Karl Marx. London: Lawrence & Wishart, 1964.
- Israel, J. I. Race, Class and Politics in Colonial Mexico: 1610-1670. London: Oxford University Press, 1975.
- Jacob, William. An Historical Inquiry into the Production and Consumption of the Precious Metals. New York: Augustus M. Kelley Publishers, 1968.
- Jessop, Bob. "Marx and Engels on the State." In Politics, Ideology and the State edited by Sally Hibben. London: Lawrence & Wishart, 1978.

- Jessop, Bob. "On Recent Marxist Theories of Law, the State, and Juridico-Political Ideology." International Journal of the Sociology of Law, 1980, 8, pp. 339-368.
- Kagan, Richard L. Lawsuits and Litigants in Castile, 1500-1700. Chapel Hill: The University of North Carolina Press, 1981.
- Katz, Frederick. Situación Social y Económica de los Aztecas Durante Los Siglos XV y XVI. Mexico: Universidad Nacional Autonoma de Mexico, 1966.
- Katz, Frederick. The Ancient American Civilisations. London: Weidenfeld and Nicolson, 1969.
- Keen, Benjamin. "Introduction" to the Lords of New Spain by Alonso de Zorita. London: Phoenix House, 1965.
- Keen, Benjamin. The Aztec Image in Western Thought. New Brunswick, New Jersey: Rutgers University Press, 1971.
- Knight, Melvin M., Harry Elmer Barnes and Felix Flugel. Economic History of Europe. London: George Allen & Unwin, Ltd., 1930.
- Kosminsky, E. A. Studies in the Agrarian History of England in the Thirteenth Century. Oxford: Basil Blackwell, 1956.
- Kurtz, Donald V. "The Legitimation of the Aztec State." In The Early State edited by Henri J. M. Claessen and Peter Skolnik. New York: The Hague Press, Mouton Publishers, 1978, pp. 169-189.
- Larraz, Jose. La Época del Mercantilismo en Castilla. Madrid: Aguilar, 1963.
- Las Casas, Bartolomé de. "Brevisima Relación de la Destrucción de las Indias." In Apologia de Juan Ginés de Sepúlveda y Fray Bartolomé de las Casas edited by Angel Losada. Madrid: Editora Nacional, 1975.
- Lefebvre, Henri. The Sociology of Marx. London: Allen Lane and the Penguin Press, 1968.
- León-Portilla, Miguel. The Broken Spears: The Aztec Account of the Conquest of Mexico. Boston: Beacon Press, 1962.
- León-Portilla, Miguel. Pre-Columbian Literature of Mexico. Norman: University of Oklahoma Press, 1969.
- León-Portilla, Miguel. Aztec Thought and Culture. Translated by J. E. Davis. Norman: University of Oklahoma Press, 1971.
- León-Portilla, Miguel, Alfredo Barrera Vasquez, Luis Gonzalez, Ernesto De la Torre, and Maria Del Carmen Velazquez.

Historia Documental de Mexico. Mexico: Universidad Nacional Autonoma de Mexico, Instituto de Investigaciones Historicas, 1964, Vol I.

Lopez, Robert S. and Harry A. Miskimin. "The Economic Depression of the Renaissance." The Economic History Review. Second Series, 1962, 14, No 3.

López de Gómara, Francisco. Conquest of Mexico in His Pilgrimes in Five Books: Book 5, Voyages and Travels to and in the New World Called America by Samuel Purchas. London: William Stansby, 1625, pp. 1123-1140.

Lopez Gallo, Manuel. La Violencia en la Historia de Mexico. Mexico: Ediciones el Caballito, 1976.

Losada, Angel. Apologia de Juan Ginés de Sepúlveda y Fray Bartolomé de las Casas. Madrid: Editora Nacional, 1975.

Lukacs, George. History and Class Consciousness. London: Merlin Press, 1968.

Lynch, John. Spain Under the Hapsburgs. Vol I. Oxford: Basil Blackwell, 1964.

MacKay, Angus. Spain in the Middle Ages. London and Basingstoke: The MacMillan Press, Ltd., 1977.

Marx, Karl. Pre-Capitalist Economic Formations. Edited by Eric J. Hobsbawm. London: Lawrence & Wishart, 1964.

Marx, Karl. Capital. Vol I. Middlesex: Penguin Books, 1979.

Marx, Karl. Capital. Vol II. Middlesex: Penguin Books, 1978.

McBride, George McCutchen. The Land Systems of Mexico. New York: Octagon Books, 1971.

Mendieta, Gerónimo de. Historia Eclesiástica Indiana. Mexico, 1945. Cited in Ancient Mexico: An Introduction to the Pre-Hispanic Cultures by Frederick A. Peterson. New York: Capricorn Books, 1962.

Mendieta Y Nuñez, Lucio. "El Derecho Mexicano Antes de la Conquista." Ethnos, 1920, Tomo 1, No. 8-12, pp. 168-186.

Merriman, Roger Bigelow. The Rise of the Spanish Empire, Vol II: The Catholic Kings. New York: The MacMillan Company, 1918.

Miskimin, Harry A. "Monetary Movements and Market Structure: Forces for Contraction in Fourteenth and Fifteenth Century England." Journal of Economic History, 1964, 24, pp. 470-490.

Morgan, Lewis H. Ancient Society. London: MacMillan and Company, 1877.

- Moreno, Manuel. La Organización Política y Social de los Aztecas, 2nd Edición. Mexico: Instituto Nacional de Antropología e Historia, 1931. Quoted in Estratificación Social en la Meso-América Prehispánica edited by Pedro Carrasco y Johanna Broda. Mexico: Instituto Nacional de Antropología e Historia, 1976.
- Nicols, Theo. (Ed) Capital and Labour. Glasgow: Fontana, 1980.
- Nussbaum, Frederick L. A History of the Economic Institutions of Modern Europe. New York: F. S. Crofts, 1937.
- Ortiz, Antoniõ Domingo Vaz. The Golden Age of Spain, 1516-1659. London: Weidenfeld and Nicolson, 1971.
- Ots y Capdequí, José M. Instituciones. Madrid: Salvat Editores, S.A., 1959.
- Padden, R. C. The Hummingbird and the Hawk. Columbus: Ohio State University Press, 1967.
- Palmer, Colin A. Slaves of the White God. Cambridge and London: Harvard University Press, 1976.
- Parry, J. H. The Spanish Theory of Empire in the Sixteenth Century. Cambridge: The University Press, 1940.
- Parry, J. H. Europe and a Wider World: 1415-1715. London: Hutchinson's University Library, 1949.
- Parry, J. H. The Age of Reconnaissance. London: Weidenfeld and Nicolson, 1963.
- Parry, J. H. The Spanish Seaborne Empire. London: Hutchinson and Company, 1966.
- Payne, Edward J. History of the New World Called America. 2 Vols. Oxford: The Clarendon Press, 1892.
- Payne, Stanley G. History of Spain and Portugal. Madison: University of Wisconsin Press, 1973, Vol I.
- Pearson, Harry W. "The Secular Debate on Economic Primitivism." In Trade and Market in the Early Empires: Economies in History and Theory edited by Karl Polanyi, et. al., New York: The Free Press, 1957, pp. 3-11.
- Peterson, Frederick A. Ancient Mexico: An Introduction to the Pre-Hispanic Cultures. London: George Allen & Unwin, Ltd., 1961.
- Piña Chan, Roman. "Cultural Development in Central Mesoamerica." In Aboriginal Cultural Development in Latin America: An Interpretive Review edited by Betty J. Meggers and Clifford

- Evans. Washington: Smithsonian Institution, 1963.
- Pirenne, Henri. Economic and Social History of Medieval Europe. London: Routledge & Kegan Paul, 1936.
- Potter, G. R. The New Cambridge Modern History: The Renaissance, 1493-1520. Cambridge: Cambridge University Press, 1957.
- Poulantzas, Nicos. Political Power and Social Classes. London: New Left Books, Sheed and Ward, 1973.
- Prescott, W. H. The Conquest of Mexico. London: Chatto & Windus, 1922, Vol I.
- Purchas, Samuel. His Pilgrimes in Five Books. London: William Stansby, 1625.
- Quiroz Curaon, Alfonso. La Pena de Muerte en Mexico. Mexico: Ediciones Botas, 1962.
- Rabinow, Paul and William M. Sullivan (Eds) Interpretive Social Science. Berkeley: University of California Press, 1979.
- Radin, Paul. The Sources and Authenticity of the History of the Ancient Mexicans. Berkeley: University of California Press, 1920.
- Rowdon, Maurice. The Spanish Terror: Spanish Imperialism in the Sixteenth Century. London: Constable and Company, Ltd., 1974.
- Sahagun, Fray Bernardino de. Florentine Codex: General History of the Things of New Spain. Book 9: The Merchants. Edited and translated by Charles E. Dibble and Arthur J. O. Anderson. Salt Lake City, Utah: University of Utah, 1961.
- Sánchez-Albornoz, Claudio. Spain. A Historical Enigma. Madrid: Fundacion Universitaria Espanola, 1975.
- Sanders, William T. and Barbara J. Price. Mesoamerica: The Evolution of a Civilization. New York: Random House, 1968.
- Sauer, Carl. Colima of New Spain in the Sixteenth Century. Berkeley and Los Angeles: University of California Press, 1948.
- Sauer, Carl. Ortwin. The Early Spanish Main. London: Cambridge University Press, 1966.
- Schulte, Henry F. The Spanish Press, 1470-1966. Urbana, Chicago, London: University of Illinois Press, 1968.
- Sejourne, Laurette. Burning Water: Thought and Religion in Ancient Mexico. Berkeley: Shambhala, 1976.

- Sepúlveda, Juan Gines de. Democrates Segundo o de las Justas Causas de la Guerra Contra los Indios edited by Angel Losada. Madrid: Instituto Francisco de Vitoria de Derecho Internacional, 1951. Quoted in The Spanish Tradition in America by Charles Gibson. New York: Harper Torchbooks, 1968.
- Sepúlveda, Juan Gines de. "Apologia." In Apologia de Juan Gines de Sepúlveda y Fray Bartolome de Las Casas edited by Angel Losada, Madrid: Editora Nacional, 1975.
- Sheridan, Alan. Michel Foucault: The Will to Truth. London: Tavistock, 1980.
- Simpson, Lesley Byrd. The Encomienda in New Spain. Berkeley: University of California Press, 1929.
- Simpson, Lesley Byrd. "Laws of Burgos." In the Spanish Tradition in America edited by Charles Gibson. New York: Harper and Row, 1968, pp. 61-82.
- Smith, Adam. The Wealth of Nations. Vol II. London: Methuen & Company, Ltd., Sixth Edition, 1950.
- Smith, Rhea Marsh. Spain: A Modern History. Ann Arbor: University of Michigan Press, 1965.
- Soustelle, Jacques. The Daily Life of the Aztecs. London: Weidenfeld and Nicolson, 1955.
- Soustelle, Jacques. "Religion and the Mexican State." Diogenes, XXXIV, 1961,
- Spence, Lewis. The Gods of Mexico. London: T. Fisher Unwin, Ltd., 1923.
- Steck, Francis Borgia. Motolinia's History of the Indians of New Spain. Washington: Academy of American Franciscan History. 1951.
- Stein, Stanley J. and Barbara H. Stein. The Colonial Heritage of Latin America: Essays on Economic Dependence in Perspective. New York: Oxford University Press, 1970.
- Sweet, David G. and Gary B. Nash. (Eds) Struggle and Survival in Colonial America. Berkeley, Los Angeles, London: University of California Press, 1981.
- Sweezy, Paul. "The Transition From Feudalism to Capitalism." Science and Society, 1950, 14, pp. 134-157.
- Taylor, Charles. "Interpretation and the Sciences of Man." in Interpretive Social Science edited by Paul Rabinow and

- William M. Sullivan. Berkeley: University of California Press, 1979.
- Thompson, J. Eric. Mexico Before Cortes. New York: Charles Scribner's Sons, 1933.
- Thompson, James W. Economic and Social History of Europe in the Later Middle Ages. New York: Frederick Ungar Publishing Company, 1965.
- Tiryakian, Josefina Citron. "El Trabajo Durante la Epoca PreCortesiana y la Conquista. In Labour and Labourers through Mexican History edited by Elsa Cecilia Frost, Michael C. Meyer and Josefina Zoraida Vazquez. Mexico City: El Colegio de Mexico, 1979.
- Toro, Alfonso. Historia de la Suprema Corte de Justicia de la Nacion. Mexico, 1934.
- Toscano, Salvador. Derecho y Organizacion Social de los Aztecas. Tesis. Facultad de Derecho y Ciencias Sociales de la Universidad Nacional de Mexico, 1937.
- Trimborn, Herman. El Delito en las Altas Culturas de America. Lima: Universidad Nacional Mayor de San Marcos, 1936.
- Vaillant, George C. The Aztecs of Mexico: Origin, Rise and Fall of the Aztec Nation. Baltimore, Maryland: Penguin Books, 1961.
- Vaillant, George C. Aztecs of Mexico. Garden City, New York: Doubleday and Company, Inc., 1962.
- Valero Silva, José. El Legalismo de Hernan Cortés como Instrumento de su Conquista. Mexico: UNAM, 1965.
- Vance, John Thomas. The Background of Hispanic-American Law: Legal Sources and Juridical Literature of Spain. Dissertation: The Catholic University, Washington, D. C., 1937.
- Verlinden, Charles. "The Rise of Spanish Trade in the Middle Ages." Economic History Review, 1940, February, pp. 44-59.
- Verlinden, Charles. "Italian Influence in Iberian Colonization." Hispanic American Historical Review, 1953, 33, No. 2, pp. 199-211.
- Vicens Vives, Jaime. An Economic History of Spain. Princeton, New Jersey: Princeton University Press, 1969.
- Vicens Vives, Jaime. "The Economy of Ferdinand and Isabella's Reign." In Spain in the Fifteenth Century, 1369-1516 edited by Roger Highfield. London: MacMillan Press, 1972, pp. 248-275.

- Vilar, Pierre. A History of Gold and Money, 1450-1920. London: New Left Books, 1976.
- Viljoen, Stephan. Economic Systems in World History. New York: Longman, Inc., 1974.
- Wallerstein, Immanuel. The Modern World-System. New York & London: Academic Press, 1974.
- White, John Manchip. Cortes and the Downfall of the Aztec Empire. London: Hamish Hamilton, 1971.
- Wolf, Eric R. Sons of the Shaking Earth. Chicago: University of Chicago Press, 1959.
- Wolf, Eric R. Europe and the People Without History. Berkeley: University of California Press, 1982.
- Wright, Erik Olin. Class, Crisis and the State. London: New Left Books, 1978.
- Yturbide, Ignacio Romerovargas. "Las Instituciones." In Esplendor del Mexico Antigua. Mexico: Centro de Investigaciones Antropologicas de Mexico, 1959.
- Zavala, Silvio A. Las Instituciones Jurídicas en la Conquista de America. Madrid: Centro de Estudios Historicos, 1935.
- Zavala, Silvio. New Viewpoints on the Spanish Colonization. Philadelphia: University of Pennsylvania Press, 1943.
- Zavala, Silvio A. Las Interes Particulares en la Conquista de la Nueva España. Instituto de Investigaciones Historicas. Segundo Edicion. Mexico, UNAM, 1964.
- Zorita, Alonso de. The Lords of New Spain. Translated by Benjamin Keen. London: Phoenix House, 1965.

Max Weber

- Giddens, Anthony. Capitalism and Modern Social Theory. Cambridge: Cambridge University Press, 1971.
- Parkin, Frank. Max Weber. London and New York: Tavistock, 1982.
- Weber, Max. Economy and Society. Edited by Guenther Roth and Claus Wittich. New York: Bedminster Press, 1968.
- Weber, Max. From Max Weber. Edited by H. H. Gerth and C. Wright Mills. London: Routledge & Kegan Paul, 1932.

Social Psychological Approaches to Violence

- Adorno, T. W., Else Frenkel-Brunswik, Daniel J. Levinson and R. Newitt Sanford. The Authoritarian Personality. New York: Harper and Row Publishers, 1950.
- Ardrey, R. The Territorial Imperative. New York: Atheneum, 1966.
- Backman, E. Louis. Religious Dances. London: George Allen and Unwin Ltd., 1952.
- Bandura, A. Aggression: A Social Learning Analysis. Englewood Cliffs, New Jersey: Prentice-Hall, 1973.
- Berkowitz, L. Aggression: A Social Psychological Analysis. New York: McGraw-Hill, 1962.
- Blumer, Herbert. "Collective Behavior." In An Outline of the Principles of Sociology edited by Robert E. Park. New York: Barnes and Nobel, Inc., 1939.
- Buss, A. H. "Aggression Pays." In The Control of Aggression and Violence edited by J. L. Singer. New York: Academic Press, 1971.
- Buss, A. H. The Psychology of Aggression. New York: Wiley, 1961.
- Delgado, J. M. R. "Emotional Behaviour in Animals and Humans." Psychiatric Research Report, 1960, 12, 259-271.
- Dollard, John, L. W. Doob, N. E. Miller, O. H. Mowrer and R. R. Sears. Frustration and Aggression. New Haven: Yale University Press, 1939.
- Feierabend, Ivo K. and Rosalind L. Feierabend. "Aggressive Behaviours Within Politics, 1948-1962: A Cross National Study." The Journal of Conflict Resolution, 1966, 10, 249-272.
- Freud, S. Beyond the Pleasure Principle. New York: Liveright, 1950.

- Fromm, Erich. Escape From Freedom. New York: Holt, Rinehart and Winston, 1969.
- Hovland, Carl I. and Robert R. Sears. "Minor Studies of Aggression: Correlation of Lynchings with Economic Indices." In Frustration and Aggression by Dollard, et. al. New Haven: Yale University Press, 1939, pp. 66-73.
- Jackson, Maurice, Eleanora Peterson, James Bull, Suerre Monsen and Patricia Richmond. "The Failure of an Incipient Social Movement." Pacific Sociological Review, 1960, 3, 35-40.
- Kelley, H. H., J. C. Contry, A. E. Pahlke and A. H. Hill. "Collective Behavior in a Simulated Panic Situation." Journal of Experimental Social Psychology, 1965, 1, 20-54.
- Lorenz, K. On Aggression. New York: Harcourt, Brace and World, 1959.
- Miller, N. E. and J. Dollard. Social Learning and Imitation. New Haven: Yale University Press, 1941.
- Mintz, A. "Non-Adaptive Group Behavior." Journal of Abnormal and Social Psychology, 1951, 46, 150-159.
- Moyer, K. E. A. "A Preliminary Physiological Model of Aggressive Behavior." In The Physiology of Fighting and Defeat edited by J. P. Scott and B. E. Eleftheriou. New York: Plenum Press, 1971.
- Rosenberg, Morris. "The Self-Concept: Social Product and Social Force." In Social Psychology: Sociological Perspectives edited by Morris Rosenberg and Ralph H. Turner. New York: Basic Books, Inc., 1981.
- Sears, R. R., E. E. Maccoby and H. Levin. (Eds.) Patterns of Child Rearing. Evanston, Illinois: Row Peterson, 1957.
- Seeman, Melvin. "Intergroup Relations." In Social Psychology: Sociological Perspectives edited by Morris Rosenberg and Ralph H. Turner. New York: Basic Books, Inc., 1981.
- Sheard, M. H. and J. P. Flynn. "Facilitation of Attack Behavior by Stimulation of the Midbrain of Cats." Brain Research, 1967, 4, 324-333.
- Shimbori, Michiya. "Aengakuren: A Japanese Case Study of a Student Political Movement." Sociology of Education, 1964, 37, 229-253.
- Smelser, W. Theory of Collective Behavior. New York: Free Press, 1963.
- Toch, Hans. The Social Psychology of Social Movements. Indianapolis, Indiana: The Bobbs-Merrill Company, Inc., 1965.

Turner, R. and L. M. Killian. Collective Behavior. Second Edition.
Englewood Cliffs, New Jersey: Prentice Hall, 1972.

Veltfort, Helene and George E. Lee. "The Cocoanut Grove Fire: A
Study in Scapegoating." Journal of Abnormal and Social Psychology,
1943, 38, 133-154.

Wheeler, Ladd. "Toward a Theory of Behavioral Contagion." Psychological
Review, 1966, 73, 179-192.